THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

Papers

PARL. PAPERS
FOR REFERENCE ONLY.

University of London

GURNEY WOODSTOCK ST. W.

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619974

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

13° VICTORIÆ, 1850.

VOL. CXI.

COMPRISING THE PERIOD FROM

THE FOURTEENTH DAY OF MAY,
TO
THE SEVENTEENTH DAY OF JUNE, 1850.

Fourth Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1850.

LONDON:
GEORGE WOODFALL AND SON,
ANGEL COURT, SKINNER STREET.

TABLE OF CONTENTS

TO

VOLUME CXI.

THIRD SERIES.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.
II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.
III. LIST OF DIVISIONS.
IV. PROTEST.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

1850. *Page*

May 14. Parochial Assessments—Motion of Lord Portman, for the Appointment of a Select Committee—Motion agreed to—Committee to meet April 16th 1

Sunday Trading Prevention Bill—Order of the Day for Committee read—Report to be received on May 16th 5

Judgments (Ireland) Bill—Motion of the Marquess of Lansdowne, for the Second Reading of the Bill—Motion ultimately agreed to—Bill read a Second Time, and Committed to a Committee of the whole House on Monday, May 27th 6

Estates Leasing (Ireland) Bill—Motion of the Marquess of Lansdowne, for the Second Reading of the Bill—Motion agreed to —Bill read a Second Time, and Committed to a Committee of the whole House on Monday, May 27th 8

Distressed Unions Advances and Repayment of Advances (Ireland) Bill—Motion of the Marquess of Lansdowne, "That the House resolve itself into Committee on this Bill"—Motion agreed to—Bill reported—Bill to be read a Third Time on May 16th 9

16. Departure of the French Ambassador—Question of Lord Brougham, and Reply of the Marquess of Lansdowne relating thereto ... 101

17. Recall of the French Ambassador—Statement of Lord Brougham, and Explanation of the Marquess of Lansdowne relating thereto 159

1850. Page

May 27. Deanery of St. Burian Division Bill—Presentation of a Bill by Lord Portman to Divide the Deanery of St. Burian—Bill read a First Time, and referred to the Standing Order Committee, on Thursday, 6th of June 366

Birth of a Prince—Answer to the Address—Her Majesty's Answer to the Address of the House of Lords relating to the Birth of another Prince 368

The Court of Chancery—Motion of Lord Brougham, for the Production of certain Returns—Returns ordered 369

Agricultural Distress—Presentation of a Petition from Hertford by the Marquess of Salisbury, and Question relating to the Continuance of Free Trade 370

28. Australian Colonies Government Bill—The Second Reading of the Bill postponed till Friday next, the 31st day of May ... 426

Fees (Court of Common Pleas) Bill—The Second Reading of the Bill—Bill Committed to a Committee of the whole House on Thursday next 429

30. Breach of Privilege—Statement of Lord Brougham relating to a certain Report in the *Daily News* 452

31. Distress for Rent (Ireland) Bill—Motion of the Earl of Lucan, for the Second Reading of the Bill—Motion agreed to—Bill read a Second Time, and Committed to a Committee of the whole House on Tuesday, 11th of June 492

Sunday Trading Prevention Bill—Motion of the Earl of Harrowby, for House to go into Committee on the Bill—Motion agreed to—House in Committee—Clauses agreed to—House resumed—Report to be received on Monday next ... 492

Australian Colonies Government Bill—Motion of Earl Grey, for the Second Reading of the Bill—Motion agreed to—Bill read a Second Time, and Committed to a Committee of the whole House on Monday, June 10th 497

Appeals to the Privy Council from the Ecclesiastical Courts (Matters of Doctrine) Bill—Motion of the Bishop of London, for the Second Reading of the Bill—Amendment of the Marquess of Lansdowne, "That the Bill be read a Second Time that day Six Months"—Amendment agreed to—Bill put off for Six Months 598

June 4. Sunday Trading Prevention Bill—Order of the Day for receiving the Report of the Amendments read—Motion of the Earl of Harrowby, "That the Report be now received"—Motion agreed to—Bill to be read a Third Time on Thursday next ... 714

6. Affairs of Greece—Statement of the Marquess of Lansdowne relating to the propriety of Lord Stanley postponing his Motion respecting the Affairs of Greece—Motion postponed from Friday, June 7th, to Monday, June 17th 795

Parliamentary Voters (Ireland) Bill—Motion of the Marquess of Lansdowne, for the Second Reading of the Bill—Motion agreed to—The Second Reading of the Bill—Bill Committed to a Committee of the whole House on Friday, June 21st ... 799

7. Military Pensions—Presentation of a Petition by the Duke of Richmond 871

10. The Cuban Expedition—Questions of Lords Brougham and Stanley, and Explanations of the Marquess of Lansdowne relating thereto 872

1850. Page

June 10. Incumbered Estates (Ireland) Act Amendment Bill—Motion of the Marquess of Westmeath, for the Second Reading of the Bill—Motion agreed to—The Second Reading of the Bill—Bill Committed to a Committee of the whole House on Friday next 932

Australian Colonies Government Bill—Presentation of a Petition by Lord Brougham from Persons interested in the Australian Colonies against the Australian Colonies Government Bill, praying to be heard by themselves or by Counsel against the said Bill—Motion made, " That the said Petitioners, and also the Hon. Francis Scott (whose Petition was presented on Thursday last), be heard by Counsel as desired"—Motion objected to by Earl Grey, and negatived upon a Division—List of the Contents and Not-Contents, &c.—Motion made, " That the House do now resolve itself into Committee" on the Bill—Amendment of the Bishop of Oxford, " That the Bill be referred to a Select Committee of their Lordships' House"—Amendment negatived—List of the Not-Contents, &c.—Original Motion withdrawn—House to go into Committee To-morrow 943

11. Australian Colonies Government Bill—House in Committee—House resumed—House to go into Committee again on Friday next 1030

13. Universities Commission—Motion of Lord Monteagle, for an Address to Her Majesty for Copies of Letters addressed by the First Lord of the Treasury to the Universities of Oxford and Cambridge on the Subject of the Issue of a Commission of Inquiry, &c.—Motion agreed to 1146

14. Chancery Court of Appeal Bill—Order of the Day for the Second Reading of the Bill read, and, on the Motion of Lord Brougham, discharged 1199

Australian Colonies Government Bill—Order of the Day for the House to be again in Committee read—House in Committee ... 1216

17. Stranger in the Peeresses Gallery—Statement of Lord Brougham relating to Chevalier Bunsen being present in the Peeresses Gallery 1292

Affairs of Greece—Statement of Lord Stanley relating thereto, and Motion, " To resolve, that while the House fully recognises the right and duty of the Government to secure to Her Majesty's Subjects residing in Foreign States the full Protection of the Laws of those States, it regrets to find, by the Correspondence recently laid upon the Table by Her Majesty's Command, that various Claims against the Greek Government, doubtful in point of justice, or exaggerated in amount, have been enforced by Coercive Measures directed against the Commerce and People of Greece, and calculated to endanger the continuance of our Friendly Relations with other Powers"—Motion agreed to — List of the Contents and Not-Contents, &c. 1293

II. Subjects of Debate in the House of Commons.

1850. *Page*

May 14. Manchester Rectory Division Bill—Motion made, and Question proposed, "That the Bill be now read a Third Time"—Motion agreed to—Bill read a Third Time, and passed ... 11

Supply of Water in the Metropolis—London (Watford) Spring Water Company Bill—Motion made, and Question proposed, "That the Bill be now read a Second Time"—Amendment of Mr. Repton, "That the Bill be read a Second Time upon that day Six Months"—Amendment agreed to—Second Reading of the Bill put off for Six Months 12

Metropolitan Water Works (Henley-on-Thames and London Viaduct) Bill—Motion of Sir W. Molesworth for the Second Reading of the Bill—Amendment of Mr. T. P. Williams, "That the Bill be read a Second Time upon that day Six Months"—Amendment agreed to—Second Reading of the Bill put off for Six Months 15

Foreign Corn—Motion of Mr. Grantley Berkeley, "That this House will resolve itself into a Committee of the whole House, to take into consideration the Acts relating to the Importation of Foreign Corn"—Motion objected to, and negatived upon a Division—Division Lists, &c. 19

16. The New Houses of Parliament—Question 102

Affairs of Greece—Questions 104

The late Protectionist Meeting—Question 105

Life Policies of Assurance (No. 2) Bill—House in Committee ... 106

Public Libraries and Museums—House in Committee ... 108

Marriages Bill—Order of the Day read for resuming Adjourned Debate on Question [18th April], "That Mr. Speaker do now leave the Chair"—Question again proposed—Debate resumed—Amendment of Mr. Divett, "That the House do resolve itself into Committee on the Bill that day Six Months"—Amendment negatived—House in Committee—Amendment proposed by Sir F. Thesiger in Clause 2—Amendment negatived—List of the Noes—Proviso added at the end of Clause 2 to the following effect, "And provided also, that nothing in this Act contained shall be construed to apply to Scotland"—Clause, as amended, agreed to—House resumed—Committee report Progress; to sit again on Thursday, 13th of June ... 111

Court of Prerogative (Ireland) Bill—Motion of Mr. Keogh, for the Second Reading of the Bill—Motion of Mr. Reynolds, "That the Debate be now Adjourned"—Motion of Mr. Reynolds negatived—Motion of Colonel Chatterton, "That the Debate be now Adjourned"—Motion of Colonel Chatterton also negatived—List of the Ayes—Bill to be read a Second Time To-morrow 152

Stamp Duties—Questions—Resolutions Reported and agreed to. 157

Recall of the French Ambassador—Question of Mr. Disraeli and other Hon. Members, and Explanations of Lord J. Russell relating thereto 166

1850. *Page*

May 16. The Ecclesiastical Commissioners — Questions and Explanations 169

Lord Lieutenancy Abolition (Ireland) Bill—Motion of Lord J. Russell, "That Leave be given to bring in a Bill for the Abolition of the Office of Lord Lieutenant of Ireland, and for the Appointment of a Fourth Secretary of State"—Motion ultimately agreed to—Division Lists, &c.—Bill ordered to be brought in 171

Supply—Civil Services—House in Committee—Several Votes agreed to—Resolutions to be Reported on Thursday next ... 234

Greece—Bay of Salamis—Motion of Mr. Cobden, for the Production of Papers relating to the British Naval Force in the Bay of Salamis and the other Waters of Greece for the last Three Months—Motion negatived 235

23. Affairs of Greece—Recall of the French Ambassador—Question of Sir J. Walsh, and Explanation of Lord Palmerston relating thereto 237

Supply—Adulteration of Coffee—Order for Committee read—On Question, "That Mr. Speaker do now leave the Chair"—Amendment of Mr. Anstey, "That the Commissioners of Excise be directed to Prosecute all persons Offending against the Laws which regulate the sale of Roasted Vegetable Substitutes for Coffee, or whereby the fraudulent Adulteration of Coffee is made punishable"—Amendment withdrawn—Original Question put, and agreed to 268

Supply—Impressment of Seamen—Statement of Captain Harris relating to the Importance of the Government making Provision, by Legal Enactment, for speedily and effectually Manning Her Majesty's Fleet in the Event of a War 279

Supply—Expenses of Commissions of Inquiry—Statement of Mr. J. Stuart relating to the Return [No. 669] of 1848 of the Number of Commissions of Inquiry appointed since 1830, and the Expense of each 285

Navy Estimates—House in Committee of Supply—Votes 1 to 3 agreed to—Vote 4 relating to Miscellaneous Services objected to, but ultimately agreed to upon a Division—List of the Noes, &c. 287

Wood used in Ship Building—House in Committee—Motion of Mr. Mitchell, "That it is expedient that a Drawback should be allowed on the Duties now payable on all Wood imported for the purpose of Ship Building"—Amendment of the Chancellor of the Exchequer, "That the Chairman do leave the Chair"—Amendment agreed to—Division Lists, &c. 307

24. Supply—Assessed and Window Duties—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair—Amendment of Mr. Blackstone, "To leave out the word 'That' to the end of the Question, in order to add the words 'Leave be given to bring in a Bill to repeal so much of the Acts 3 & 4 Vic. c. 17, as imposes an additional Duty of 10 per cent on Assessed and Window Taxes'"—Amendment negatived—List of the Noes, &c. 311

Supply—Foreign Policy—Order for Committee again read—Main Question put, and agreed to—House in Committee of Supply—Miscellaneous Estimates 319

Supply—Royal Palaces—Vote of 83,160*l.* agreed to ... 319

Supply—Additions to the Ordnance Office, Pall Mall—Vote of 22,000*l.* agreed to 323

1850. *Page*

May 24. Supply—Buckingham Palace—Motion for granting a Sum not exceeding 14,672*l.* for making an Ornamental Enclosure, and forming a Public Garden in front of Buckingham Palace—Motion withdrawn for the present 323

Supply—Temporary Accommodation for the Houses of Parliament—Vote of 3,129*l.* agreed to 328

Supply—New Houses of Parliament—Motion made, and Question proposed, "That a Sum not exceeding 104,660*l.* be granted to Her Majesty, to complete the Sum necessary to defray, to the 31st day of March, 1851, the Expense of the Works at the New Houses of Parliament"—Amendment proposed, "That a Sum not exceeding 103,660*l.* be granted" for the above purposes—Amendment carried—Division Lists, &c.—Vote of 300*l.* for Works, Isle of Man, and 92,874*l.* for Holyhead Harbour, agreed to 333

Supply—Public Works Ireland—Motion made, and Question proposed, "That a Sum not exceeding 18,093*l.* be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland," &c.—Amendment proposed that the Sum granted should not exceed 16,852*l.*—Amendment negatived—List of the Ayes, &c.—Original Question agreed to—Vote of 10,788*l.* for Kingston Harbour also agreed to—Resolutions to be Reported on Monday next—Committee to sit again on Monday next 360

Registration of Deeds (Ireland) Bill—Motion of the Solicitor General for the Third Reading of the Bill—Motion agreed to—Bill read a Third Time and passed 364

27. Birth of a Prince — Her Majesty's Reply to the Address of the House of Commons relating to the Birth of another Prince 384

Chester and Holyhead Railway Bill—The Third Reading of the Bill—Clause proposed to be added to the Bill by Mr. O. Gore—Clause brought up and read a First Time, but ultimately negatived—Bill passed 384

River Lea Trust Bill—Supply of Water to the Metropolis—Motion made, and Question proposed, "That the Bill be now read a Second Time"—Amendment of Mr. Mowatt, "That the Bill be read a Second Time that day Six Months"—Amendment withdrawn—Main Question put, and agreed to—Bill read a Second Time and Committed, and referred to the Committee of Selection 387

Religious Persecutions by the Newry Board of Guardians—Question and Explanation 389

Supply—House in Committee—Houses of Parliament, 390; The Treasury, 391; Office of Secretary of State, Home Department, 399; Foreign Office, The Passport System, 399; Office of Secretary of State, Colonies, 406; Lord Privy Seal, 406; Postmaster General, 406; Comptrollers of the Exchequer, 407; State Paper Office, 408; Ecclesiastical Commission, 408; Poor Law, 409; Mint, 421; Public Records, 424; Inspectors of Factories, 425; Officers (Scotland), 425; Household of Lord Lieutenant (Ireland), 426; Chief Secretary (Ireland), 426; Paymaster of Civil Services (Ireland), 426—House resumed—Committee to sit again on Friday 390

28. Ecclesiastical Commission—Question 430

Adjournment over the Derby Day—Motion of Major Beresford, "That the House at its rising should adjourn to Thursday next"—Motion agreed to 430

1850. Page

May 28. The Lord Chancellor—Questions and Explanations ... 431

The New House of Commons—Proposition of Sir G. Grey, that the House should hold a Morning Sitting in the New Chamber on Thursday—Agreed to 433

Emigration of Orphan Children—Presentation of a Petition by, and Motion of Mr. W. Miles, "That it is expedient that the Government, with the Consent and Assistance of the Boards of Guardians throughout England and Wales, should take immediate Steps to forward the Emigration of Orphan Girls, Inmates of the several Workhouses, and capable of entering Service, to Australia as Apprentices"—Amendment of Mr. Stafford, to substitute the words "United Kingdom" for the words "England and Wales" in the Motion—Amendment carried—Main Question, as amended, proposed—Previous Question proposed, "That the Question be now put"—House Counted, and forty Members not being present, House adjourned 433

30. Local Acts—Motion of Mr. W. Patten, "That a Select Committee be appointed to Inquire into the Working of the Act 9 & 10 Vic. c. 106, intituled 'An Act for Making Preliminary Inquiries in certain Cases of Application for Local Acts,'" &c. &c.—Motion agreed to—Committee appointed ... 456

The Universities—Question 457

The New House of Commons—Question 458

Elections (Ireland) Bill—The Third Reading of the Bill—Motion of the Attorney General to insert a certain Clause in the Bill—Motion agreed to—Clause added—Motion of Mr. French to insert a certain Clause—Clause objected to—Negatived ... 460

Post Office—Presentation of a Petition by, and Motion of, Lord Ashley, "That an Humble Address be Presented to Her Majesty, representing the great Desire which exists in all Parts of the United Kingdom for an Extension of that Rest on the Lord's Day which is afforded in the London Post Office to the Post Offices of the Provincial Towns, and praying that Her Majesty will be graciously pleased to direct that the Collection and Delivery of all Letters shall, in future, entirely cease on Sunday in all parts of the Kingdom; and, also, that Her Majesty will cause an Inquiry to be made as to how far, without Injury to the Public Service, the Transmission of the Mails on the Lord's Day might be diminished, or entirely suspended"—Motion agreed to—Division Lists, &c. 466

Ministers' Money (Ireland)—Presentation of Petitions by Mr. W. Fagan, and withdrawal of Motion 485

Oath of Abjuration (Jews)—Motion of Lord J. Russell, "That this House will immediately resolve itself into a Committee, to take into Consideration the Mode of Administering the Oath of Abjuration to Persons professing the Jewish Religion"—Motion agreed to—House in Committee—*Resolved*, "That the Chairman be directed to move the House, that Leave be given to bring in a Bill to regulate the Mode of Administering the Oath of Abjuration to Persons professing the Jewish Religion"—Resolution Reported—Bill ordered to be brought in—Bill brought in and read a First Time 487

English and Irish Universities—Adjourned Debate on Mr. Heywood's Motion for an Address to Her Majesty for a Royal Commission of Inquiry into the Universities of Oxford, Cambridge, and Dublin—Order for Resuming the Adjourned Debate read—Amendment of Mr. Gladstone, "That the Debate be Adjourned to Monday next"—Amendment agreed to—Debate further adjourned till Monday next 488

1850. Page

May 31. Sugar Duties—Motion of Sir E. N. Buxton, "That it is unjust and impolitic to expose the Free-grown Sugar of the British Colonies and Possessions abroad, to Unrestricted Competition with the Sugar of Foreign Slave-trading Countries"—Motion objected to, and negatived upon a Division — Division Lists, &c. 528

Supply—Grant to Maynooth—Resolutions reported—On the Question, "That 18,093*l.* be granted for the College of Maynooth"—Amendment of Mr. Forbes, "That the Sum granted be reduced to 16,852*l.*—Amendment negatived—List of the Noes, &c.—Resolutions agreed to 596

June 3. Evictions in Ireland—Questions and Explanations ... 675

Metropolitan Interments Bill—Order for Committee read—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair"—Amendment of Mr. Lacy, "That the Bill be Committed to a Select Committee"—Amendment negatived—List of the Noes, &c.—Main Question put, and agreed to—House in Committee 677

Court of Prerogative (Ireland) Bill—Nomination of Select Committee... 710

4. Affairs of Greece—Questions and Explanations 716

Post Office—Sabbath Labour—Question 720

Dublin Hospitals—Motion of Mr. Grogan, "For the Appointment of a Select Committee to Inquire into the Dublin Hospitals, with the view of ascertaining whether it is not expedient to Continue the Grants made by the Government in Aid of these Charities"—Motion put and negatived 721

Poor Laws (Ireland)—Resolutions as proposed by Mr. F. French—Resolutions objected to, and negatived upon a Division—List of the Ayes, &c. 723

Tenements Recovery (Ireland) Bill — Motion of Mr. Frewen, "That the Bill be now Read a Second Time"—Amendment of Mr. P. Scrope, "That the Bill be Read a Second Time upon that day Six Months"—Amendment agreed to—Bill put off for Six Months 753

5. New Houses of Commons—The Members' Gallery—Questions of Mr. Bankes relating to a point of Order, and Explanations of Mr. Speaker relating thereto 755

Education Bill—Adjourned Debate on Mr. Stafford's Amendment [17th April] to the Motion of Mr. W. J. Fox, for the Second Reading of the Bill—Amendment agreed to—Division Lists, &c.—Bill put off for Six Months 756

Factories Bill—Order for Committee read—House in Committee —Bill amended and reported 823

Metropolitan Interments—Order for Committee read—House in Committee — Committee report progress; to sit again To-Morrow 856

6. Population—National Census—Motion of Mr. G. C. Lewis, "For Leave to bring in a Bill for taking an Account of the Population of Great Britain"—Motion agreed to—Leave given ... 870

7. Drainage and Improvement of Land Advances Bill—Order for Committee read—On Question, "That Mr. Speaker do now leave the Chair"—Amendment of Mr. Trelawny, "That this House will, upon this day Six Months, resolve itself into the said Committee"—Amendment negatived—House in Committee —Bill reported as amended 879

June 7. Right of Petitioning—Post Office Patronage—Presentation of a Petition by Mr. C. Anstey, from 130 of the Clerks in the Money Order Department of the Post Office, complaining of the Dispensation of Patronage—Motion of Mr. C. Anstey, that the Petition be Printed "with the Votes"—Motion agreed to 890

The National Gallery—Questions and Explanation ... 895

Court of Chancery—Question and Explanation 896

American Expedition against Cuba—Questions and Explanation 898

Universities Commission—The Bishop of Llandaff—Notice of Mr. Horsman of his Intention, Next Week, to address some Questions to the First Lord of the Treasury, respecting the Bishop of Llandaff—Explanation of Lord J. Russell relating thereto 899

Metropolitan Interments Bill—House in Committee ... 903

10. Post Office—Her Majesty's Answer to the Address relating to the Collection and Delivery of Letters on Sunday, in all Parts of the Kingdom 980

Supply—New Houses of Parliament—House in Committee ... 981

Lord Lieutenancy Abolition (Ireland) Bill—Motion of Lord J. Russell, "That the Bill be now Read a Second Time"—Amendment of Mr. Grattan, to leave out the word "now," and at the end of the Question to add the words "upon this day Six Months"—Debate ultimately adjourned till Monday next 1088

11. Metropolitan Interments Bill—House in Committee—House resumed—Committee report progress—House to go into Committee again on Friday next 1068

Hudson's Bay—Question 1079

Ramsgate Harbour—Motion of Mr. Mackinnon, "That a Select Committee be appointed to Investigate the Revenue, Condition, and Expenditure of Ramsgate and Margate Harbours"—Amendment of Sir G. Pechell, aftor the word "Ramsgate" to insert the word "Dovor"—Amendment negatived—Main Question put, and agreed to—Select Committee appointed ... 1080

Home-made Spirits in Bond—Motion of Lord Naas, "That this House do immediately resolve itself into a Committee, to take into Consideration the present Mode of Levying the Duty on Home-made Spirits in Bond—Motion agreed to—Division Lists, &c.—Matter considered in Committee—Resolutions as proposed by Mr. Mackenzie agreed to—House resumed—Resolutions to be Reported on Friday next 1088

Railway Communication in India—Motion of Viscount Jocelyn, for the Production of Papers—Motion agreed to ... 1099

12. Landlord and Tenant Bill—Motion of Mr. Pusey, for House to go into Committee upon the Bill—Amendment of Colonel Sibthorp, for House going into Committee upon the Bill upon "this day Six Months"—Amendment negatived—Main Question put, and agreed to—House in Committee—Bill reported; as amended, to be Considered on Monday next 1119

Court of Chancery Bill—Presentation of a Petition by, and Motion of, Mr. Turner, "That the Bill be now Read a Second Time"—Motion agreed to—The Second Reading of the Bill—Bill Committed for Monday next 1128

1850. Page

June 12. Burgess Lists Bill—Motion of Mr. Twisden Hodges, "That the Bill be now Read a Second Time"—Amendment of Colonel Sibthorp, "That the Bill be Read a Second Time that day Six Months"—Amendment agreed to—Bill put off for Six Months ... ...

Small Tenements Rating Bill—Motion of Mr. Halsey, "That the Bill be now Read a Third Time"—Amendment of Mr. P. Scrope, "That the Bill be Read a Third Time that day Six Months"—Amendment negatived—Main Question put, and agreed to—The Third Reading of the Bill—On the Question "That the Bill do pass"—Motion of Mr. Cockburn to add a certain Clause to the Bill—Clause brought up and read a First Time—On the Question "That the said Clause be now Read a Second Time"—Debate Adjourned till Monday next ... 1140

13. Sewerage of Westminster—Questions and Explanations ... 1159

County Courts Extension Bill—House in Committee—Bill Reported—Bill, as amended, to be Considered on Tuesday next 1162

Public Libraries and Museums Bill—Motion of Mr. Ewart, "That the House do now resolve itself into Committee on this Bill"—Amendment of Colonel Sibthorp, "That this House will, upon this day Six Months, resolve itself into the said Committee"—Amendment negatived—List of the Noes, &c.—Main Question put, and agreed to—House in Committee—Committee to sit again on Wednesday next 1174

Marriages Bill—Order for Committee read—House in Committee—Bill amended, and Reported 1179

14. Treatment of Mr. Smith O'Brien—Statement of Sir L. O'Brien—Question—Explanation of Sir G. Grey relating thereto ... 1231

Factories Bill—Bill, as amended, Considered—Amendment of Lord Ashley to insert the words "No Child" after line 12, page 2—Amendment negatived—Division Lists, &c.—Amendment of Lord J. Manners in page 2, line 14, to leave out the words "after Six," and to insert the words "after Half-past Five," instead thereof—Amendment negatived—Division Lists, &c.—Bill to be Read a Third Time on Monday next ... 1234

Metropolitan Interments Bill—Order for Committee read—House again in Committee—Bill Reported—Bill, as amended, to be Considered on Monday next 1286

17. Addresses to Her Majesty—Statement of Lord J. Russell relating to the Propriety of making some Alterations in the Orders of this House respecting Addresses to the Crown ... 1404

Lord Lieutenancy Abolition (Ireland) Bill—Adjourned Debate on Mr. Grattan's Amendment to the Motion of Lord J. Russell for the Second Reading of the Bill (June 10) 1405

III. LIST OF DIVISIONS.

The Ayes and the Noes on Mr. Grantley Berkeley's Motion, "For the House to resolve itself into a Committee of the whole House, to take into Consideration the Acts relating to the Importation of Foreign Corn 97

The Noes on Sir F. Thesiger's Amendment to Clause 2 of the Marriages Bill 136

The Noes on Colonel Chatterton's Motion, "For the Adjournment of the Debate on Mr. Keogh's Motion for the Second Reading of the Court of Prerogative (Ireland) Bill" 157

The Ayes and the Noes on Lord J. Russell's Motion, "For Leave to bring in a Bill for the Abolition of the Office of Lord Lieutenant of Ireland" 232

The Noes on the Question, "That a Sum not exceeding 175,698*l.* be Granted to Her Majesty, to Defray the Charge of divers Miscellaneous Services, &c. &c.," in Committee of Supply on Navy Estimates 307

The Ayes and the Noes on the Chancellor of the Exchequer's Amendment in Committee to the Motion of Mr. Mitchell, relating to the Expediency of allowing a Drawback on the Duties now payable on all Wood imported for Shipbuilding ... 310

The Noes on Mr. Blackstone's Amendment to the Question, "That Mr. Speaker do now leave the Chair" for House to go into Committee of Supply on the Assessed and Window Duties" 315

The Ayes and the Noes on the Amendment, "That 103,660*l.* only be granted to Her Majesty, instead of 104,660*l.*, as originally proposed, to Defray to the 31st day of March, 1851, the Expense of the Works at the New Houses of Parliament" 359

The Ayes on the Amendment to the Question in Committee of Supply, "That a Sum not exceeding 18,093*l.* be Granted to Her Majesty to Defray the Expense of Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, &c."... 364

The Ayes and the Noes on Lord Ashley's Motion, "For an Address to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the Collection and Delivery of all Letters shall, in future, entirely cease on Sunday in all Parts of the Kingdom, &c." 484

The Ayes and the Noes on Sir E. N. Buxton's Motion, "That it is Unjust and Impolitic to expose the Free-grown Sugar of the British Colonies and Possessions abroad, to Unrestricted Competition with the Sugar of Slave-trading Countries" ... 593

1850. Page

The Noes on Mr. Forbes' Amendment to Reduce the Grant for the College of Maynooth from 18,093*l.* to 16,852*l.* ... 597

The Noes on Mr. Lacy's Amendment to refer the Metropolitan Interments Bill to a Select Committee 692

The Ayes on Mr. F. French's Resolutions relating to Poor Laws (Ireland) 752

The Ayes and the Noes on Mr. Stafford's Amendment to the Motion of Mr. W. J. Fox, "For the Second Reading of the Education Bill" 792

The Contents and Not-Contents on the Question, "That certain Petitioners, and also the Hon. Francis Scott, be heard by Counsel, against the Australian Colonies Government Bill" ... 956

The Not-Contents on the Bishop of Oxford's Amendment to refer the Australian Colonies Government Bill to a Select Committee of their Lordships' House 943

The Ayes and the Noes on the Motion of Lord Naas, "For House to go into Committee to take into Consideration the Present Mode of Levying the Duty on Home-made Spirits in Bond" ... 1097

The Noes on Colonel Sibthorp's Amendment to the Motion of Mr. Ewart, for the House to resolve itself into a Committee on the Public Libraries and Museums Bill 1177

The Ayes and the Noes on Lord Ashley's Amendment to insert the words "No Child" after line 12, page 2, in the Factories Bill 1240

The Ayes and the Noes on Lord J. Manners' Amendment to insert the words "after Half-past Five" instead of the words "after Six" in page 2, line 14, of the Factories Bill ... 1283

The Contents and Not-Contents on Lord Stanley's Motion relating to the Affairs of Greece 1401

The Ayes and the Noes on Mr. Grattan's Amendment to the Motion of Lord J. Russell, for the Second Reading of the Lord Lieutenancy Abolition (Ireland) Bill 1464

IV. PROTEST

Of Lords Monteagle, Wodehouse, and Lord Rossie (Kinnaird), against the Refusal to hear Petitioners by Counsel, June 10, 1850, against the Australian Colonies Government Bill, (p. 943.) 1467

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1850, IN THE THIRTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 14, 1850.

MINUTES.] *Took the Oaths.*—The Earl of Airlie.
1^{a} Fees (Court of Common Pleas); Australian Colonies Government.
2^{a} Prussian Minister's Residence; Judgments (Ireland); Estates Leasing (Ireland).
Reported.—Distressed Unions Advances and Repayment of Advances (Ireland).

PAROCHIAL ASSESSMENTS.

LORD PORTMAN moved the appointment of a Select Committee "to take into consideration the state of the law affecting Parochial Assessments." He had, on more than one occasion, endeavoured to impress upon the minds of their Lordships the immense importance of taking this subject into their serious consideration, in order that some alterations might be made in the present unsatisfactory state of the law. He felt certain that the longer such an inquiry was deferred, the more difficult it would be to legislate upon the matter. He deprecated the practice of passing an annual Bill for the purpose of exempting certain property from its operation. No greater evil can exist than to have the law on such a subject temporary and uncertain, and it is most desirable now to endeavour to render it positive and permanent. The burthen in 1848 was 28 per cent on the revenue of the assessable property, at the then value thereof. In 1850 that property is less valuable, say, for example, as perhaps an extreme case, that land is 25 per cent less valuable, then the burthen becomes 28 per 75*l.*, instead of 28 per 100*l.* Moreover, there exists an increasing burthen on parishes already over burthened, by the addition of the rate levied for the common fund, which is raised on the average system, and not on the rateable value of the property of the union; and that plan requires to be considered as soon as an equitable mode of assessing the whole property can be devised. The foundation required is an honest parochial assessment. His object was to have an uniformity of rating on all the property of the country, and, with that view, every exemption should be removed. One of the greatest burdens on land was the law of settlement;

and that question could not be dealt with until the whole system of rating had been altered and amended. That burthen has been much increased by the Act called the Non-removal Act, which is a great boon given to the estates in close parishes, where the cottages have been destroyed at the expense of the parishes, which are commonly called open parishes. In some cases, the latter pay 33 per cent on their assessable value, while the former pay only 1 or 2 per cent. As a modern law has added to the existing evil, that should be remedied by an extension of the area of contribution, so that gradually the evil may be corrected. He trusted that, if the Committee should be appointed, they would take into consideration the mode in which railways should be rated. The question of stock in trade ought to be carefully sifted. The mode of assessing the tithe property requires to be carefully investigated, not so much with a view to alter the law as to enforce it; for the grievance is very manifest. As the rate is now made, the titheowner is rated to the full value, which is known to all the world; while the occupier of lands and houses is rated at an estimated value, generally below the value. Another topic would be, the policy of forming one rate and assessment for all the local taxation, instead of continuing the endless varieties of rating in the same parish, for the many wants thereof. The question is well developed in the report of the Poor Law Commissioners, made in 1843, on local taxation. They should also consider whether they could devise some mode of avoiding the almost constant changes of rate. A rate is made at great expense under the orders of the authorities; and as soon as a new rate is made, the overseers, at their caprice, alter the assessment, and all the expense and trouble is so much labour lost. No assessment should be altered, when once well made, without cause being shown before a competent tribunal, such as the special sessions on questions of value, and the quarter-sessions on questions of principle. The questions of who should make the rate—who should be allowed to alter it from time to time—who should collect it—how far the auditors might be made to prevent any alterations of the rate, except by the constituted authority, are all necessary to be carefully considered. It is desirable to abolish the legal terms and mere technicalities, as far as is consistent with the safety of the ratepayers. There were also the questions as to the chargeability of small tenements, and of the various exemptions from payment of rates which must be sifted, inasmuch as, by the nice distinctions drawn by the decision of the judges, much substantial wrong is done. The case of the mineral mines, as distinguished from coal mines, seems to stand on no sound foundation. If they could devise some mode by which all the property of the country should be made to contribute its fair proportion of poor's rate, he thought it would be a great improvement. It was needful to bear in mind that, although in this House no measure on this subject can originate or be altered, yet that the investigation might be useful as supplying information on this subject which might enable this House to indicate an opinion upon this subject.

The BISHOP of LONDON expressed his satisfaction at the probability of their Lordships acceding to the Motion.

The MARQUESS of LANSDOWNE, on the part of Her Majesty's Government, stated that there was no objection to the appointment of this Committee. On the contrary, he was delighted that the subject was taken up by one so well acquainted as his noble Friend was with all its bearings.

EARL FITZWILLIAM hoped that the examination before this Committee would not be so conducted as to lead to either an union or a national rating, of which he was somewhat apprehensive, as there had been an organisation of late for the establishment of a national rate. He thought that the Committee should inquire whether it was desirable that there should be a poor-rate at all, or a highway rate at all, or a county rate at all, and whether it would not be better that there should be one parochial rate for those local objects for which local districts must be responsible.

The EARL of MALMESBURY considered that public gratitude was due to the noble Baron (Lord Portman) for having brought this subject before the House. He could not, however, concur with the noble Baron as to the necessity of having a Committee to investigate the subject, as it would put off to another year any practical remedy for any grievance which might be discovered. Ministers ought to have brought forward some measures on their own responsibility to relieve parties from the unparalleled injustice which they now suffered from the inequality of parochial assessments. Lord John Russell and Lord Howick, when in opposition, had both promised redress for this injustice, but had both neglected to fulfil their promises since their entering upon office. He thought that all property of every description should be rated to the poor, and he calculated that if a poundage of 7*d.* was sufficient to produce a revenue of 5,500,000*l.* in the case of the property tax, a further poundage of 5*d.* would raise a revenue equal to meet the present amount of the poor-rates. He recommended the noble Baron opposite, when he came to act as chairman of this Committee, not to mix up any other rate with the question of the poor-rate.

Lord HATHERTON supported the Motion, but hoped that his noble Friend would carefully observe the quarters from which the evidence given before his Committee was derived. He considered the appointment of such a Committee to be an advisable measure, as it would enable the House to deal properly with any Rate Bill which might come before it. There could be no doubt that any parish which, by mismanagement, had increased the amount of its rates, would be exceedingly glad, by means of a national or general rate, to throw the burden on the shoulders of its neighbours. Let them look at Ireland; if they had not localised the rate there, they would by this time have had a fearful battle between the property and the population of the country.

On Question, Resolved in the *Affirmative.*

Committee to meet April 16.

SUNDAY TRADING PREVENTION BILL.

Order of the Day for Committee read.

The Earl of HARROWBY having moved that this Bill go into Committee,

The Earl of MINTO expressed his disapproval of some of the clauses.

The Earl of MALMESBURY also objected to some of the provisions introduced into the Bill, and thought that further time should be afforded for considering them.

Lord BEAUMONT said, that the Bill had, no doubt, been materially altered. New enactments were introduced into it, and certain new offences and penalties created. As, for example, the Bill said, if any barber or hairdresser within the metropolitan districts or the city of London, or its liberties, shall, after the hour of ten o'clock on a Sunday morning, open his shop for the purposes of his business, or for the exercise of his ordinary calling, every such person, upon being convicted before a justice of the peace, shall for the first offence be subject to a penalty of 5*s.*; for the second shave, 10*s.*; and for the third shave, as much more. As this was a totally new enactment, he thought that they ought to be allowed a certain time to consider whether shaving beards on a Sunday ought to be visited with a penalty of 5*s.* for every shave.

The Earl of HARROWBY defended the Bill.

Lord BEAUMONT was understood to observe, that with the exception of the lean apothecary in *Romeo and Juliet,* such an unfortunate specimen of humanity as the poor barber would be made by this Bill if it passed, he had never heard of.

Report to be received May 16.

JUDGMENTS (IRELAND) BILL.

Order of the Day for the Second Reading read.

The Marquess of LANSDOWNE moved the Second Reading of this Bill, which, he said, was brought in with the entire approbation of his noble and learned Friend the Lord Chancellor, and which, he believed, would be found calculated to give increased effect to the measures recently adopted by Parliament to facilitate the Act for the sale of incumbered estates in Ireland. He was induced to ask their Lordships to give their assent to the second reading of this Bill, and also to a subsequent measure, the Estates Leasing (Ireland) Bill, because they were founded upon the principle of reforming certain proceedings which now took place in the Court of Chancery in Ireland; or rather to bring back the law of that country to its original principle and habit—an object, he was persuaded, the House would deem of paramount importance. The practice of judgments in Ireland had been diverted from their original intention, which was to facilitate the recovery of debts, by being converted into a species of security being substituted in fact for mortgages. This practice had been attended with a vast amount of inconvenience. Any person, when he borrowed money, submited to a judgment; the consequence was, that doubt was created as to the value and validity of an immense number of titles. It was also attended with the effect that where property was sold liable to any of these judgments, the searches might be prolonged *ad infinitum.* Under the provisions of this Bill it was proposed that all existing judgments upon property might be convertible into mortgages, after which they would not take effect except by registry. The effect would be greatly to increase the number of mortgageable titles in Ireland, and in proportion as they were increased would the proprietors be relieved. Such being the nature of the measure, he asked the House to consent to the second reading of the Bill, seeing that it was intended to apply a remedy to cases where there existed a great and crying grievance, which at this particular moment was pressing heavily upon a large class of proprietors.

The EARL of GLENGALL apologised for the prominent part he took in opposing these Irish measures of the Government, on the ground that there was no Peer on that side of the House of sufficient legal authority to undertake their discussion. The noble Marquess had called it a sort of supplement to the Encumbered Estates Bill. If he thought so, he would divide against it clause by clause. That Bill was an act of confiscation, under which Irish property was daily sold at rates varying from one and a half to thirteen years' purchase, which, under other circumstances, would have realised thirty or forty years' purchase. Although he was sorry to admit that the Irish people had not hitherto opposed this nefarious measure as it deserved, he firmly believed the time would come when they would assemble in College-green, and burn these Parliamentary titles by the hands of the common hangman. It was, in fact, such a confiscation as Cromwell had never attempted. With respect to the present Bill, he had no objection to the right given to judgment creditors to become mortgagees, but he thought that the right of appointing receivers should be done away with. He thought that the best course would be to refer it to a Select Committee. He defied any man to contradict the statements which he had made. If they gave him a Select Committee to inquire into the matter, he would prove the truth of all he advanced in the course of two hours. He wished to know was there anything more monstrous than that a judgment creditor for 500*l.* should have better security for his money than the first mortgagee on an estate? He proposed to abolish the power of appointing receivers on present judgments, and that the existing receivers should, on payment of the interest due, close their accounts. The noble Earl begged to submit certain Amendments which he had prepared against the Bill; and if their Lordships would do him the honour to give them a fair consideration, he hoped to be able to convince Her Majesty's Government of their necessity.

The EARL of WICKLOW said, that it would be quite time enough to consider those Amendments in Committee. He was anxious to learn from the noble Marquess whether the priority in the case of judgments under the existing law would be maintained, or whether the priority would be according to the date of the re-registry.

The MARQUESS of LANSDOWNE said, it was not intended to disturb the existing priority of registry.

The EARL of WICKLOW wanted to know the necessity of a re-registry.

The DUKE of LEINSTER said, that it was for the purpose of saving expense, and would render it unnecessary to search back for an indefinite number of years. Under this Bill it would be only necessary to search back for five years.

On Question, Resolved in the *Affirmative.*

Bill read 2^a, and committed to a Committee of the whole House on Monday, May 27.

ESTATES LEASING (IRELAND) BILL.

Order of the Day for the Second Reading read.

The MARQUESS of LANSDOWNE, in moving the Second Reading of this Bill, said, its intention chiefly was to benefit persons having a limited interest in land.

After some objections by Lord MONTEAGLE, and an explanation from the Marquess of LANSDOWNE,

LORD REDESDALE said, that the Bill went much too far. Supposing an aged proprietor detested his successor, this Bill gave him a power at the last stage of his life to lease the whole of the property for ninety-nine years, excepting only the house and park in which it stood, and thus he would deprive the heir and his offspring of the enjoyment of the estate; for who could think of living ninety-nine years after succeeding to an estate? For the purpose of drainage and improvement, a lease of ninety-nine years was an absurdity; a term of years not beyond twenty was certainly quite long enough for any such purpose. Perhaps in cases of building leases the longer term might not be unfair; but there ought to be some independent sanction given to transactions of this kind. He did not know whether there were in Ireland a body like the Enclosure Commissioners in

England. If there were, what would be easier than to make it necessary, as a preliminary step to a lease, that this public body should certify that the land was of a proper description to set aside for building purposes, or for improvements by drainage or otherwise? Great care should be taken in this kind of legislation not to give to any parties a power to commit injustice and grievous wrong.

The **EARL of GLENGALL** objected to the Bill as giving enormous powers to tenants in possession of leases for terms of years. He should propose a number of Amendments in Committee, with the view of limiting the operation of the Bill.

The **MARQUESS of LANSDOWNE** was understood to say, that he should have no objection to make alterations in Committee.

On Question, Resolved in the *Affirmative.*

Bill read 2ª, and committed to a Committee of the whole House on Monday, May 27.

DISTRESSED UNIONS ADVANCES AND REPAYMENT OF ADVANCES (IRELAND) BILL.

Order of the Day for the House to go into Committee read.

The **MARQUESS of LANSDOWNE** moved that the House resolve itself into Committee on this Bill.

LORD MONTEAGLE admitted that great debts had been incurred, and appeared to be irrecoverable in many parts of Ireland, and therefore some remedial measures might be forced on them on the subject. It should be recollected, however, that the great bulk of the debts had been incurred in those parts of Ireland where the landed proprietors had no more control over the expenditure of the advances and the rates than the officers of that House. The great portion of those debts were not to be attributed to the landed proprietors of Ireland, but were incurred under the Labour Rate Act enforced by vice-guardians selected by Government, which empowered the officers of the union to throw heavy charges on the several local districts. The same thing had also occurred under the operation of the Irish poor-law. In some of the more distressed unions the debts had been increased in a most most remarkable degree without the landed proprietors having the slightest influence or control in the matter. According to the papers on the table of the House, the former debt of the union of Ballina was 2,400*l.*, but it was now debited for 21,440*l.*; the debt of the union of Kilrush was 2,100*l.*, but it had since been debited at 12,000*l.*; the debt of the union of Listowell was 5,000*l.*, but it had been increased to 12,000*l.* The whole increase of their debts had been incurred under such circumstances that the landed proprietors had no control over the expenditure. Many of their debts had been contracted at rates of 10 or 20 or 30 per cent above the market charge, for the public works, because the security tendered was bad. And when they were going to transfer a bad into a good security, surely they ought not to be called to pay the same rate. The parishes who undertook these works should be repaid in proportion to what was really expended by them. Such a proceeding would only be a measure of justice. He also objected most strongly to the discretionary power left in the Treasury to declare in what manner the period of payment should be extended, and also to determine when each repayment should be made. There ought to be some regulation in this respect. The Bill also gave a discretionary power to the Treasury to apportion the repayment of these debts among the various electoral divisions and landlords. How such a Bill could have received the assent of the representatives of the people, who were bound to watch over financial matters of this kind, he was utterly at a loss to understand. If the Bill passed in its present shape, it would leave the people of Ireland in a much worse situation than they had hitherto found themselves. This, above all, would be the case, if, as it appeared, no steps were to be taken for the amendment of the poor-law in Ireland. If they left the cardinal vice without remedy, the present measure would only tend to encourage parties to incur new debts.

The **MARQUESS of LANSDOWNE**, in reply, alluded to the statement of the noble Lord (Lord Monteagle) that a period of forty years was given for the payment of the debts. Twenty years was the term in the Bill originally; but statements were made by the distressed unions, that they could not pay the debts in twenty years, and the time was then extended to forty years. He deprecated delay as to this Bill, which was to provide for advances which were so earnestly called for. The noble Lord had never proposed any other mode of averting the calamity; the present was a mode adopted by Parliament with a perfect knowledge of the machinery to be used. If the people of Ireland were led into an expenditure which was necessarily liable to abuse, under the urgency of the occasion, let it be remembered that this portion of the united kingdom had taken upon itself the whole amount of the expense. It was, undoubtedly, done in a spirit of kindness and liberality, and as such it had been acknowledged in Ireland; as such it had been acknowledged in the other House of Parliament; and as such it would be long calculated to do an act of justice to those persons in Ireland who had endeavoured to meet the calamities of the times by taxing themselves, and imposing on themselves a burden under these different Acts; and to remedy, to a certain extent, the evils of the law which the noble Lord said had been entirely kept out of view. It had not been kept out of view. It was for the purpose of enabling facilities to be granted for the erection of workhouses, that these expenses had been incurred; it was for the purpose of erecting workhouses in many of these instances which the noble Lord had not fairly pointed out as instances of the misconduct of vice-guardians. It was to facilitate the repayment of debts of that kind, that, amongst other objects, this Bill had been introduced, for the purpose of relieving the unions from the debts they had contracted. To repay these persons was only an act of justice. He could give no assurance that the Treasury would abandon the exercise of that discretion which was wisely entrusted to them, of extending the relief from a period of twenty to a period of forty years.

On Question, Resolved in the *Affirmative*.

Bill Reported; to be read a Third Time on May 16.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 14, 1850.

MINUTES.] PUBLIC BILLS.—1° Municipal Corporations (Ireland); Borough Courts of Record (Ireland).
Reported.—Registration of Deeds (Ireland).

MANCHESTER RECTORY DIVISION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

MR. M. GIBSON moved the omission of certain words which had crept in by mistake.

MR. GOULBURN said, he did not object to this, but must observe on the inconvenience of dealing in a private Bill with a general law. This Bill, to a great extent, departed from an Act which was passed to regulate the incomes of canons, and yet it was a private Bill; and when objections were taken against it, it was answered that "the Committee had settled them,"—an answer which, according to ordinary practice, was sufficient in the case of a private Bill; but this was in reality a public Bill, as much so as a Bill to relieve Manchester from the window tax. And he was sure one-half of those who had voted against his Motion the other evening had done so in utter ignorance of the question; for in a daily paper it had that day been stated that the object of his Motion had been to restrict the means of pastoral instruction, whereas its effect would have been to augment those means to the amount of 1,200*l.* a year, by adding that amount to the sum annually appropriated to the spiritual provision of the town.

Bill read 3°, and passed.

SUPPLY OF WATER IN THE METROPOLIS —LONDON (WATFORD) SPRING WATER COMPANY BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. REPTON rose to move that it be read a second time that day six months. It proposed to sink Artesian wells in localities most convenient to the company, and thus drain all the springs, and ruin all the mills, without making any compensation either to millowners or landowners. The whole neighbourhood in which this company proposed to operate was against the Bill, which had been urged forward without any reference whatever of its provisions to the Board of Health. Under these circumstances, surely he need scarcely say more against it. He would, however, add that on the best authority it might be declared impracticable.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

MR. B. OSBORNE said, he was in a dilemma as to the Bill, having presented petitions in its favour, signed by 35,000 of his constituents; yet he was aware that the landowners and millowners opposed it, and that it was a scheme condemned by the Board of Health, and which had been thrown out by the House of Lords last Session. Upon the whole, however, he was of opinion that it had better be referred to a Committee, and there considered with the other Water Bills which might be read a second time. He was astonished that the Government had not informed the House of their intentions as to the supply of water in the metropolis; and he appealed to the right hon. Home Secretary to do so, especially as the Water Bills had been postponed, at his suggestion, to await the report of the Board of Health on the subject. He begged also to ask if there were any truth in a rumour which had reached his ears, that the Government, if the Interments Bill were not agreed to in its present form, intended to take no trouble on the subject of the supply of water.

SIR G. GREY said, there was not the slightest foundation for the rumour to which the hon. and gallant Gentleman had alluded, and of which he (Sir G. Grey) now heard for the first time. The question of the water supply to the metropolis had been referred to the Board of Health, and he had every reason to believe that the Board had devoted their best attention to its consideration; but it was a subject of great magnitude, and involved many conflicting interests, and had no doubt occupied much more time than had been anticipated. Some time before Easter the Board intimated that they hoped soon to make their report, and suggested the expediency with reference not to public interests alone but to the interests of the promoters of these Water Bills, that they should not be allowed to proceed until after a given time; and accordingly on his Motion an order was made that the second reading of these Bills should not proceed until after Easter. About two or three weeks ago that embargo having ceased, some of these Bills were read a second time; the reference to the Select Committee, however, being deferred until the report of the Board of Health should be on the table. He had offered no opposition to this course, because he felt that to go on further postponing the second reading would virtually amount to a postponement over the present Session. His noble Friend the Chairman of the Board of Health (Lord Ashley), had since stated that he hoped the report would be produced in about a fortnight: that period had also elapsed, but the report had not yet been received. He imputed no blame to the board for this delay, for he believed they had found the subject involved much more difficult consideration than they had expected; but even if that report were laid on the table to-morrow, the House could not at once decide finally for or against these Bills without taking time to consider the recommendations of the board, and the grounds on which those recommendations were based. Under these circumstances, knowing nothing of the merits of the Bill, he did not think the House was in a position to interpose further delay, on the ground of waiting for the report. Whether, after all, it might not be advisable to defer all these Bills till another Session, was another question.

LORD ASHLEY said, the Board of Health had now completed their report on this subject, but great labour had been required in its preparation; and a report of such magnitude, and involving so large an amount of evidence, would require many corrections. He had little doubt, however, that the report would be laid upon the table before Whitsuntide. As a private Member, he felt himself called upon to offer his decided opposition to this Bill, and to that which stood next on the paper. He thought that the Watford scheme, even if it were carried into effect, would produce no beneficial results whatever; and he therefore hoped that this Bill would not be proceeded with, at least during the present Session. He believed the report of the Board of Health would develop to the House new sources of supply, and a mode of administration five times cheaper than that proposed by this measure.

MR. BAILLIE said, this was a subject of such vast importance that it ought to have engaged the attention of the Government. The Bill would affect most injuriously the rights of private individuals, and he hoped it would be rejected by the House.

The House divided:—Ayes 90; Noes 196: Majority 106.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

METROPOLITAN WATERWORKS (HENLEY ON THAMES AND LONDON VIADUCT) BILL.

Order for Second Reading read.

SIR W. MOLESWORTH moved the Second Reading of this Bill. He said that the scheme which the promoters of the Bill proposed to carry out would be most advantageous to the metropolis, and he hoped the House would assent to the second reading, that the provisions of the measure might be considered in Committee.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. T. P. WILLIAMS thought this Bill more objectionable than the last, and moved that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

MR. ROBERT PALMER said, this measure had been discussed at great length last year, for the only difference between this Bill and a Bill introduced last Session was, that they proposed to convey water by different means from the same locality. This Bill was opposed by all the landowners and millowners along the line by which it was proposed to convey the supply of water to the metropolis. The promoters of the Bill proposed to take 60,000,000 gallons of water daily from the Thames at Henley, and the consequence would be that the mills in the neighbourbourhood would be deprived of their supply of water during the summer season, and the navigation of the river would be impeded at the same period of the year.

SIR DE L. EVANS considered that, as this Bill would not interfere with the propositions of the Board of Health, and as there would be ample time to consider the report of that board before this measure could go through Committee, it would be unfair towards the promoters of this scheme, who had expended a large sum of money in order to carry out their plans, to prevent the progress of the Bill.

LORD ASHLEY said, that the Board of Health had already recorded their opinion, in resolutions which had been laid before the House, of the inexpediency of sanctioning the expenditure of capital upon schemes of this kind until the board had considered the subject, and agreed to a report. On that ground he was prepared to oppose the Bill; but any one who looked into the measure, and considered the plan which it proposed, would see that it was one that ought not to be carried out, except under the sanction of the Government. The statement of the company was, that they required 200,000,000 gallons, and that they intended to take 100,000,000 gallons of water from the river Thames and the other 100,000,000 gallons, at certain periods of the year, would be taken from other sources. This was a much larger quantity than the company could require for the purposes of the metropolis. It was well known that a large proportion of the water brought into London was entirely wasted, and it was not mere quantity that was to be regarded, but quality and distribution. At present the distribution was most defective, and the quality bad; but the plan proposed by the promoters of this Bill did nothing to improve the quality of the water. The company proposed to obtain water from the river above Henley; but that water had been tested by most experienced analysts, and they found that it was no better than the water below Battersea-bridge taken at the ebb tide. The promoters of this Bill contemplated the investment of an enormous amount of capital in the scheme, and the provisions of the measure were very defective. If the House wished to benefit the poorer classes of the metropolis they must do what this Bill did not do—compel the owners of houses to provide a supply of water for their tenants. The commissioners to be appointed under this Bill, however, would have no jurisdiction whatever over the house service. He believed that a board constituted by that House could regulate the supply of water at one-third the expense proposed by this Bill with regard to salaries; and that as to capital, instead of requiring 2,000,000*l*., such a board would not find it necessary to raise more than 300,000*l*. in order to supply the metropolis with wholesome water. He should therefore support the Amendment.

MR. HUME was surprised at the opposition offered to this Bill by the noble Lord. It was clear, however, that his object was to deprive the ratepayers of the appointment of the commissioners, and to leave the regulation of the water supply in the hands of the board of which he (Lord Ashley) was chairman. It had been said that the rights of millowners would be prejudiced by this measure; but it had been clearly proved that the proposed supply of water might be obtained from the river without either impeding the navigation or depriving the mills of water. He hoped, therefore, that the House would allow the Bill to go into Committee, when the objections to it might be considered, and could no doubt be removed. Clauses might be inserted in Committee to secure an efficient control and a proper distribution.

Mr. MUNTZ did not think that any of the arguments that had been urged against the Bill ought to induce the House to prevent it from going into Committee. The question for the House to consider was, whether the metropolis was well supplied with water; and, if it was not, what objection could there be to obtaining a sufficient supply? How was the metropolis to be supplied with water? Some time since a plan was proposed for sinking Artesian wells; but that project was strongly opposed. Now, it was proposed to obtain a supply of water from the Thames at Henley; but that plan, it was said, would stop the mills and destroy the navigation. It was clear they must get a supply of water from somewhere; and in order that the subject might be fairly sifted and considered in Committee, he would vote for the second reading of the Bill.

Colonel KNOX said, the scheme in question would rob the river, and affect the navigation, as well as stop the mills. The Bill was but a *rechauffé* of that of last Session, and was now sought to be forced through the House to override the shareholders.

Mr. MOWATT thought it would be admitted that every inhabitant of London, whether rich or poor, suffered great inconvenience from the present inadequate and impure supply of water. The Sanitary Commission had not submitted to Parliament any measure on this subject. If they had done so, the House might have compared the merits of the plan proposed by this Bill, with that proposed by the board. It had been said, that the promoters of this Bill asked for 2,000,000*l.* They did not ask for a farthing of money; all they asked was, that the inhabitants of the metropolis might be allowed, at their own expense, to supply themselves with water from the Thames; and by whom was this request opposed? By some eleven or twelve millowners on the river Thames! Why, supposing these persons lost all their property, he contended that that consideration ought not to weigh one iota against this Bill, because such loss might be compensated by a grant of money. He had no interest in this question except as an inhabitant of the metropolis; but when undertakings were commenced, bearing on their face evidence of practicability and usefulness, he contended that the House was bound to consider such schemes in Committee. The noble Lord the Member for Bath seemed to forget that his commission had been for years considering this question before they had been able to decide upon their report. ["Oh, oh!"] He could only say that he wished hon. Gentlemen who did not seem desirous to consider this subject, had seen one of the cisterns in his house. He hoped that, with a view to prevent the inhabitants of the metropolis from being exposed to disease and contagion in consequence of the imperfect supply of water, the House would sanction the second reading of the Bill.

Lord R. GROSVENOR said, as an inhabitant of this metropolis, no one could be more desirous than himself that all its inhabitants should have an ample supply of pure and wholesome water; but he thought it desirable that that supply of water should not be left to trading companies. That system had been tried, and he thought it had universally failed. He considered that the supply of water should in future be regulated by some other authority, which might determine the mode of supply, and the cheapest and best method of its distribution. He cautioned the House not to sanction the further investment of capital in schemes of this nature. If they allowed this Bill to be read a second time, they would entail great expense upon the opponents and promoters of the measure, and probably without any ultimate benefit to the inhabitants of the metropolis. The hon. Member for Penryn had said, that the Board of Health had long been engaged in the consideration of this subject without adopting any report; but he begged to inform the hon. Gentleman that that commission had only recently had their attention directed to this important part of the question. He hoped the Bill would be postponed until the House had an opportunity of seeing what other measures were proposed for affording an efficient supply of water to London.

Mr. B. OSBORNE could assure the House that no subject could come under their discussion in which the inhabitants of the metropolis, and of the county of Middlesex generally, felt greater interest than that which was involved in the present Bill. Although some hon. Gentlemen seemed disposed to treat the subject lightly, he could assure them that it had agitated the metropolis from one end to the other, and had been discussed by no less than 1,800,000 of the inhabitants at public meetings. He was astonished that the noble Lord at the head of the Government, as the representative of the city of London, had not expressed his views on the question. His hon. Colleague, from whom he regretted to differ, had represented the promoters of this Bill as a trading company. He (Mr. Osborne) had no connexion whatever with the company, but he believed that the working of the Bill would be vested altogether in the hands of the ratepayers. ["No, no!"] At all events, the ratepayers were interested in it. Why, the inhabitants of London were being daily poisoned by the most nauseous streams that could be given to any animal. He had with him an account of a microscopical examination of the water supplied by the three companies south of the Thames, with plates of the animals which hon. Gentlemen were in the habit of imbibing; it appeared that the nastiest animal was drunk by those who were supplied by the Lambeth company. If Gentlemen would take the trouble to look through the book, they would be perfectly astonished to see the animals they were in the habit of imbibing—at least, those of them who drank water. Now, the question being whether the inhabitants of London should not be supplied with a better article, at a cheaper rate, the House ought surely to send such Bills as this to a Committee to decide on them upon their merits. It was the best course to take, in order to secure immediate legislation.

Mr. WYLD objected to the attempt of the Board of Health to carry the centralising system further, and maintained that the people could manage matters of this kind themselves, and did not want the interference of the board with them.

The House divided:—Ayes 116; Noes 216: Majority 100.

Words added; main Question, as amended, put, and agreed to.

Second reading put off for six months.

FOREIGN CORN.

Mr. GRANTLEY BERKELEY: Sir, I really feel it necessary on this occasion to cast myself on the kind indulgence of the House, while I bring under its consideration the important measure of which I have given notice. I am fully aware of the difficult position in which I appear, but I am also well aware that the country needs more information than it has hitherto had as regards the intentions of Her Majesty's Government towards the great interest which is now suffering distress. And, Sir, I will first allude to the actual occurrences that have lately passed, by way of illustrating the amount of attention which the great landed interest of this country is likely to receive. I will, at least, endeavour to show the agricultural interest, the labourers, and the tenant-farmers, the real position in which they are placed at this moment. I will endeavour to show them what they have to expect from the two great parties in the State, and in doing so I will allude to the addresses presented the other day—one to the noble Lord at the head of Her Majesty's Government, and the other to another noble Lord of opposite opinions. By the replies—the short and somewhat bitter refusal of the noble Lord at the head of Her Majesty's Government to the address presented to him; and the very different attention paid by the other noble Lord to the other address, and the dignified manner in which the deputation was received—it may be gathered whether the two great parties intend to fold their arms, and, seeing their strength so equally balanced, to allow the mischief to take its course. To clear the way to the comprehension of that struggle which was so feelingly alluded to in the address of Lord Stanley, I will endeavour to test the opinion of the Members of this House. At present the question, as alluded to by the noble Lord at the head of Her Majesty's Government, has not been brought definitely before the House, and many Members have evaded giving their opinion, on the plea that they would not vote absolutely for the return to protection, but for any practical measures that might be brought forward. Before I proceed further, I will refer to that which the noble Lord stated in the reply to the address presented to him. I find the noble Lord in the report is represented thus to reply to the address:—

> "You also say here that the only hope of replacing the agricultural and other native and colonial interests in a state of prosperity rests on the re-establishment of a just system of import duties. I do not deny, or wish in any way to shrink from the responsibility which rests upon Her Majesty's Government for the line of policy they have

> adopted; but no such proposition has been made in the House of Commons, and the House of Commons has not rejected any such proposition."

Now the proposition I am about to bring before the House, is one that cannot be misunderstood by those out of doors who are anxious to distinguish their friends from their foes. Now I ask the House if the noble Lord could fairly say that no proposition of the kind he referred to had been made? Did not hon. Members opposite approach the question, when they asked Government to give a fair consideration to the depression in the agricultural districts? Did they not approach it more than once by specific Motions; and were not such Motions met by the Government, in every stage, in every instance, almost with contempt, and always with decided opposition? Distress was asserted at the opening of Parliament. The suffering of the agricultural interest was even alluded to in the Speech from the Throne. And yet was it not afterwards denied that distress did exist? and I will ask the House, have not Government, and those hon. Members who usually support Government, asserted that the landed proprietors, the Lords and Commons of this country, maintained a vain and vexatious cry of distress, for the sordid and miserable purpose of maintaining high rents? The landed gentry were naturally insulted by that assertion, for a more insulting one never emanated from the Ministerial benches. The noble Lord at the head of the Government is reported to have said on the occasion just alluded to—

> "I think it would neither be desirable to go back from free trade to prohibition or restriction, nor advisable to dissolve Parliament in order to ask the opinion of the country upon the subject. That is the conclusion to which I have come. With respect to the suffering which has been stated to exist, it is neither inconsistent with my expectations, nor inconsistent with what I have heard, that in various parts of the country deep suffering does exist, and that that suffering is partly—and I should say in part only—owing to recent changes in our commercial laws, which I believe were in their general aspect inevitable."

By this I understand the noble Lord to admit, that a dissolution would return a Parliament resolved to protect native industry, and hostile to his maintenance of power, and in that one sentiment I heartily concur. Here, then, at last we have an important admission from the Prime Minister, long withheld; and to some extent, at least, we are relieved from the vile stigma of "having kept up a false cry of distress for mean and disgraceful purposes"—for the purpose of keeping up rents. Did I not know that such a feeling was not in the nature of the noble Lord—did not my respect for his personal character and talents utterly repudiate such an idea—the language of the noble Lord in such a crisis as this which runs thus—

> "I believe that ten years ago it might have been foreseen that this country, as it became more opulent and commercial, would require great changes in that direction, and my object was at that time to make the transition accompanied by as little suffering and distress as possible. But the advice I gave with that view was rejected, not only with contempt but with indignation"—

would lead me to believe that he spoke to the suffering interest in a spirit of bitter vindictiveness. There never was a time when the country more required attention than now; there never was a time when the agriculturists—who I admit have cried out before—were more justified in crying out, and when distress was so universal. When Government are told that distress prevails generally, they refuse interference in the matter—the legislative power becomes stagnant, and the distress is allowed to continue, in the vain hope that affairs will amend themselves. Sir, at this moment we find the unions full and overflowing—we find the farmers clamouring for a reduction of rent—we find the labourers working at reduced wages—we find wheat reduced so low in price that farmers can no longer grow it at a profit. We find the average price of wheat at 10*l.* per load, we also find that the large importations of corn have no probability of becoming less in extent, or that there will be a sufficient rise in the price of wheat to remunerate the farmers; and under these circumstances the question presents itself—how or what is best for the agriculturists to do? They looked for some notice from the Throne—but they had it not; they looked for some amelioration of their sufferings at the hands of Government, but they were disappointed; they then turned their eyes to the right hon. Gentleman the Chancellor of the Exchequer, in the vain hope of finding in his budget some relief in the shape of reduced taxation. What did they find? What did the mountain in labour produce from a free-trade Government, with all their promises, with all their professions of retrenchment and economy? Government did nothing, or rather, by transposing a single word, I may say they only gave the agriculturists a "brick" when they asked for "bread." By the proposed reduction of taxation, the landed interest—at least the tenant-farmer—will be the least benefited. The tax, instead of benefiting the agricultural interest at all, will, in fact, confer a far greater boon on the factory interest and the large manufacturing towns. And having adverted to the conduct of Government on previous occasions, I will refer to the course they have adopted in pretending to account for the prevailing distress. The landlords were first told, all they had to do to meet the prevailing distress was to reduce their rents. I maintain that no reduction of rents would meet the distress; and I maintain that no hon. Member has a right to call on private individuals to meet a difficulty which public legislation has occasioned. It was not—it could not be a question of rent; but if rents could be reduced to such an extent as to lead to the remission of the evil, then I say the landed proprietor would be ruined, and the manufacturing interest would shortly feel the same amount of distress which is now pressing on the farming interest. I am, however, told that the experiment is successful. Sir, the experiment has lasted three years. I say it is not an experiment; but even if it be right to call it an experiment, it has been sufficiently tried. Where is the end—what is the result to be? If you are not satisfied with the mischief occasioned by your half-bred, hybrid measures, to what extent is the mischief to go? If you are not content with what you see now, when will you be content? For there is no one circumstance that I can see calculated to give hope that the measure will ever arrive at a successful issue. The distress seems, alas, but too evident. It has been admitted even by those who have hitherto been the most reluctant to admit its existence—the present Government. When we bring before the House the fact of the farm sales taking place every day, and that the tenant-farmers cannot pay their rents under the present state of things, we are told that the present price of provisions cannot last, and that prices must soon rise again. Why, Sir, free-traders set out by declaring that low prices of provisions were what they wished to attain—that was their wish, and that was the great boon they wished to bestow on the country; but when they find themselves in a difficulty from the consequences they had not foreseen, they turn round and say, "The present low prices cannot last long." Why, according to that style of reasoning, Government at last allows that gold might be bought too dear. It cannot be disputed that prices are now so low that they afford no remuneration to the farmer in this country. If so, how can we meet the evil, unless by giving to native industry sufficient protection? I do not ask the House to come to a direct resolution in favour of protection—I ask them to consider their erroneous policy, and I desire them to suggest some remedy for the distress under which the great agricultural interest is now suffering. If a cheap loaf be not the object of free-trade measures, I trust some hon. Member will let us know what their object is. One right hon. Gentleman stated some time ago that he did not expect prices would be so low. That admission alone, I contend, entitles us to ask for a reconsideration of the question. If you find you have gone further into the mire than you expected, it is only just that you should retrace your steps. Now, supposing the present prices to continue, as I maintain they will—supposing we are still to remain dependent upon the foreigner for our supplies—and supposing, when the farmers find it no longer remunerative to cultivate the land, the supplies from abroad should be stopped, what then would become of England and her greatness? It is a most unworthy policy to make this country dependent on the foreigner. We are met by the assertion that a tax on food cannot be tolerated. We are told, too, by the hon. Member for the West Riding of Yorkshire, that protection to any extent is dead and buried. But let the House look at the articles of food on which a duty is still imposed, as well as the manufactured articles. I find that thirty-six manufactured articles, and thirty-five articles of agricultural produce, are still subject to a duty. If you say you have no right to impose a bread tax, or a tax on food, why retain a tax on so many articles of consumption? Why, if you are to make an experiment at all, do you not carry it out fully? Why, if you adopt a system which you dignify with the name of free trade, which I thought you contemplated in the first instance—why not take off the taxes on food altogether? Why do you not adopt a system which shall enable farmers and all classes to compete with the foreigner? Why do you not give us full and fair free trade, instead of that hybrid measure which, if persisted in, will ruin all the interests of the State? You open your markets to the untaxed foreigner, and in the face of your prohibition of slavery are driven by your policy to fly in the face of justice, religion, and morality, in the reception of slave produce. You admit not only sugar the produce of slave labour, but you receive articles produced by bondsmen, whose labour is not more expensive than that of slaves. They tell us that present low prices will not last; but what does this show ?—that up to the 20th of January, and as far as this return for 1850 is made out, the prices of agricultural produce in England and Wales continue to decline. Take the weekly importation, and commence with the 16th of January, 1850, and compare it with the 24th of April. On comparing those two weeks, importation increased to such an extent, wheat in quantity was about doubled, wheat flour was less, but barley, in amount of importation, was more than doubled, and oats more than trebled. Look at the immense amount of this importation, the imported produce of which arises from serf labour, which is not more costly than slave labour, and from actual slave labour itself. Russia 173,292 qrs. of wheat; United States of America 13,944 qrs. of wheat, and 248,324 cwts. of flour. It will be said by some of the free-traders, that prices are looking up; and why are they looking up? Drowning men catch at straws, and many who find their cause failing claim the benefit of a rise of 6*d.* or 1*s.*, which may be attributable to the easterly winds which have been so long prevalent. Prices may occasionally fluctuate, but you will find that after the next harvest prices will fall to a still lower point than they have yet reached. You will find that in America and other foreign countries, a greater breadth of wheat has been sown than at any former period; and you will find, year by year, the untaxed foreigner pouring his corn into the country to the prejudice of the farmers of this country, who, unless they are relieved from their burdens, will be entirely unable to endure the competition to which they are subjected. We know very well that in America land can be purchased at one-tenth of the price given in this country, and that it is cultivated at a much cheaper rate. It was said that free trade would diffuse happiness over the land. But free trade has not fulfilled a single prophecy that was made in its favour, and has failed from beginning to end. Now, let the House look at the promises made to the farmers by the hon. Member for the West Riding. He set out by promising us a land flowing with milk and honey, and with prophecies of happiness and wealth. Had any of those prophecies been fulfilled? No; the land of promise had turned out to be very like the dismal settlement in America described by Boz in *Martin Chuzzlewit.* The hon. Member also said, that the wages of the labourer would be increased. But have the wages of the labourer increased? In many counties they have been reduced to 6*s.* per week. Have they not less money to purchase the cheap loaf than they had to purchase the dear one; and were they not better able to buy the dear one than they now are to buy the cheap one? Then we were told that a great spirit of activity was to pervade the land, and that foreign imports were to be kept out; and all this was to be achieved by increased intelligence, the advance of science, persevering industry, and the outlay of capital. Now, is it likely that men who are engaged in a particular trade will increase their activity if you take from them the value of their produce? Is it reasonable to suppose that you will have increased activity and production? When the farmers found that the intention of the Manchester school was to benefit one individual class only, they found that they had not trusted in the right men, and began to bestir themselves. The hon. Member for the West Riding likened the farmers to the stupid ox; whilst the hon. Member for Manchester stigmatised the yeomen of England by the unworthy appellation of cowards. I wish to make every allowance for the excitement of men when they are addressing large meetings; and I should not have alluded to this matter but for the furioso speeches of the hon. Member for the West Riding, who absolutely seemed to hang up a loaf and say—

> "Whoever dares this loaf displace,
> Must meet King Richard face to face."

A great number of remarks, almost of a revolutionary tendency, have been made by the hon. Member for the West Riding and the hon. Member for Manchester; but I do not wish to notice them further. I refer to the fact because I find that when the farmers of this country were betrayed by their wrongs into hasty expressions, a free-trader and a Member on this side of the House was the first to allude to them; and I find that in consequence of some words recently spoken, it is the intention of an hon. Member to move that the yeomanry force be no longer tolerated. Why are hon. Members to visit one hasty expression upon a body of men who are deeply suffering, when they themselves are in the habit of using such violent language? I am only astonished that the farmers have been quiet so long. I am no advocate for any appeal to violence or for the use of violent language; but I think if the farmers had bestirred themselves in time, the present measure would never have been carried into effect. I think the advice now given to them is right, and I trust they will continue to agitate until they find themselves properly represented in the Commons' House of Parliament. I ask any hon. Member to show me any improvement which has emanated from the free-trade measures which have received the sanction of Parliament. I do not wish to trouble the House with statistical statements, but I feel bound to lay before it a few facts with regard to the condition of the county of Suffolk, which will show the state of the agricultural districts generally. Mr. Locke, whose respectability and credibility are beyond all question, says—

> "To afford an example of the manner in which the landed interest of one of our most agricultural counties has been affected by the operation of the free-trade measure of 1846, I have but to refer to the following short statement. The county, under consideration is Suffolk, and it is to the farmers' capital in that county that I shall call attention. The estimated quantity of land in Suffolk amounts to 918,000 acres, comprising about

46,000 acres of rich loam land, at a value of 8*l.* per acre, which makes	£368,000
80,000 ,, marsh, at 10*l.*	800,000
100,000 ,, poor sandy soil, at 3*l.*	300,000
150,000 ,, good mixed soil, at 9*l.* ...	1,350,000
450,000 ,, wet, heavy land, at 8*l.* ...	3,600,000
92,000 ,, waste, wood, and roads	
Making a total in value of ...	£6,418,000

From the information I have derived in reference to this county, there cannot have been a loss of less than one-third since free trade came into operation. The present capital, therefore, of the farmers of Suffolk is reduced by 2,139,333*l.*, leaving a net of only 4,278,667*l.* To give a slight insight into the working of the soil now, and the annual loss sustained through the instrumentality of the Act of 1846, I may mention that a diminution, or rather actual annual loss in the cultivation of the land, has taken place to the following amounts in the different descriptions of soil:—

Shillings.		Acres.	Loss.
15 per acre on		46,000 of rich loam land	£34,500
20	,,	80,000 marsh	80,000
5	,,	100,000 poor sandy soil..................	25,000
15	,,	150,000 good mixed	112,500
30	,,	450,000 heavy land	675,000
		Total	£927,000

Annual loss in the cultivation of the soil..	£927,000
It may have been observed before, that the loss of capital amounted to	2,139,333
Giving a total of	£3,066,333

The above statement embraces the whole county generally. We now treat the same in a local point of view. In one village alone I can show a loss to the farmer in an area of 766 acres of no less than 184*l.* 7*s.* On analysis it appears that there are — 525 acres of arable corn land; 125 acres of pasture land; 32 acres of plantation land; 8 acres of roads land; 6 acres of allotment land; 70 acres of waste land; making the total of 766 acres alluded to. Now, it is well known that in Suffolk, farmers pursue their operations in this way—they give one-fourth to wheat, one-fourth to barley, one-fourth to fallow, and the remaining one-fourth to clover and beans. On the average the take of wheat is 30 bushels per acre of four roods, subject to the deduction of two bushels for seed, and two for tail, leaving of best wheat for market 26 bushels. With regard to barley, 40 bushels may be considered as the average product for the same extent of land, deducting two and a half for seed, and one and a half for tail, making 36 bushels clear for the market. On those two commodities alone do the farmers of this place depend for subsistence, as the clover and beans are, to a great extent, consumed by the working horses, &c., attached to their holdings. In reference to pastures, one ton per acre of hay is taken; and 15*s.* per acre for after-grass is about the sum the farmers receive. Now, allowing

131 acres of wheat, at 26 bushels to the acre, at 7*s.* per bushel, it will give	£1,088	2	0
131 acres of barley, at 36 bushels to the acre, at 4*s.* per bushel	943	4	0
131 acres of clover and beans ...nil.			
131 acres of fallow, 30 acres in turnips	60	0	0
125 acres of pasture, at 1 ton per acre, at 60*s*...........................	375	0	0
After-grass off ditto, at 15*s.* per acre	93	15	0
262 bushels tail wheat, at 6*s.*	78	12	0
196 ditto barley, at 3*s.*	29	8	0
Which gives an income of ...	£2668	1	0

to this village. I may mention that the name of the village is Burstall, in the union of Samford. Mark the expenditure!—

Rent of 722 acres, at 26*s.* per acre, gives	£938	12	0
Tithe	184	0	0
Tradesmen's bills, at 4*s.* per acre...	144	8	0
Rates, at 4*s.* per acre	144	8	0
Labour—30 men, at 10*s.* per week each	780	0	0
Interest upon 6,000*l.* at 5*l* per cent	300	0	0
Living for the farmer, 10*s.* per acre	361	0	0
	£2852	8	0
From which deduct	2668	1	0
Balance against farmer	£184	7	0

I have further evidence of how the county of Suffolk is suffering from the effects of the 1846 Bill. In one union, that of Bosmen and Claydon, the increase of pauperism is surprising. One small parish alone, Flewton, has an order to pay into the hands of the treasurer for the two next quarters, I am informed, a sum of 90*l.*; the first moiety was to have been paid the 6th of May, the second in July next. For the past half-year, or two quarters only, 50*l.* was paid. This shows an increase of no less than 80 per cent. For the whole union, consisting of 39 parishes, the amount required for the next two quarters is something like 5,300*l.* The last two quarters brought in only 3,265*l.*, thereby exhibiting an increase of about 61 per cent. At this period of last year there were only 267 persons inmates of the union; on the 17th or 18th of April last there were 333, with no less than 50 applications for relief by ablebodied paupers. I must now beg to read an extract from a letter written by a gentleman occupying a high and responsible position in the county of Gloucester. He says—

> "I fully believe that unless some alteration is made in the existing law as regards the importation of foreign corn, that in the course of another twelvemonth half the farmers will be ruined: from my own knowledge I know that many are obliged to sacrifice the little private property they may have to pay their rents, and to go on smoothly in the world; this is not as it should be. I was credibly infromed the other day that a corn merchant in Bristol had imported several large vessels of corn at 3*s.* per bushel. What could stand against this? No man (if he lived on a farm rent free), could pay his labourers, taxes, and current expenses at this."

The next extract with which I shall trouble the House is a letter dated Ely, Cambridgeshire, the writer of which says—

> "The country is fast approaching to ruin, and it cannot go on with the present low prices of agricultural produce. I farm 1,000 acres of land, principally fen, in a part where corn can be produced as cheap as in any other part of the kingdom. The difference between 4*s.* 6*d.* per bushel for wheat and 6*s.* 6*d.* affects me to the extent of at least 1,250*l.* per annum, whilst as an individual consumer it makes a saving only of 26*s.* during the same period. I cannot possibly reduce my expenses so as to enable me to farm at the present prices. I would here remark that 6*s.* 6*d.* is only a fair remunerating price. To prove what I have stated, I grow nearly 3,000 coombs of wheat in a year, which, at 8*s.* per coomb, amounts to 1,200*l.*, and the difference in spring corn would much more than make up the remaining 50*l.* A coomb of wheat weighing 18 stone will produce 14 stone of flour; by adding 1*s.* per stone to the price, the grower would get 2*s.* per bushel, and the manufacturer, or miller, baker, &c., 1*s.* 6*d.*—making the 14*s.* extra in the coomb of wheat. The average consumption per head being half a stone, proves 6*d.* per head per week difference between 4*s.* 6*d.* and 6*s.* 6*d.* per bushel. Whilst this difference is scarcely felt by the consumer, it is utter ruin to the tenant-farmer; also to the labourer, and all trades dependent upon agriculture. The labourer at 6*s.* 6*d.* per bushel would get 3*s.* per week more than he does now, his wife and children a proportionate increase, they would be fully employed, and the whole machinery would work well. If the present state of things should continue another year, the union houses will be overflowing, and many men unemployed by the farmers driven to desperation."

Taking into consideration all that I have heard, and all that I know of the situation of the interest whose cause I am endeavouring to advocate, I am of opinion that the dangerous experiment which has been tried ought at once to be put an end to. If you cannot economise—if you cannot reduce the burdens on land to such an extent as to enable the home farmer to compete with the foreigner, who is not taxed to the same extent, and who does not pay his labourers anything like the same amount of wages—I appeal to you to give to native industry a sufficient protection. I ask this for a community who have always shown themselves a patient and enduring body—I ask this for a community who have always been ready to enrol themselves as a constitutional power, on which the owners of mills and factories could always rely when they could not depend on their own workmen. I say if you cannot economise or reduce your expenditure, say so at once. Do not persist in maintaining a false position—do not hesitate to confess your error when the error is indisputable—do not continue to pursue a course which has proved so detrimental to one of the greatest interests of the country, and which must eventually injure every interest. Do not deceive yourselves by supposing that the agitation now going on in the country is at an end. I believe that we shall be forced to try the experiment, as it is called, some time longer, in consequence of the unconstitutional means adopted to obtain majorities in this House. Men are not allowed to vote according to their consciences. It is not very long since the hon. Member for Westminster published a letter, stating openly that, with respect to the African slave trade, he was forced to vote against his conscience. For myself, I can say that I never would submit to be forced to vote against my conscience. I would rather resign my seat to-morrow than give a vote of which my heart did not approve. It is time that some measure should be brought forward to reform the House, if hon. Members are to be forced to vote against their principles. I confess it is painful for me to be obliged to vote against the noble Lord, whom I have so long followed over the field which he has traversed. It is not without pain that I have been forced to sever from his Government. I have been taught from my earliest days to look up to the noble Lord with the same respect in his political as in his private character; but I cannot, consistently with my duty, go with him one step further. In bringing forward this Motion, I claim still to be considered a free-trader. I advocate the cause of free trade, which we have not yet obtained, and I say to the Government, "You have brought on free trade an odium which it ought not to have borne, by the insufficient way in which you have proceeded to carry it out. When you made the experiment, you were bound to do it fully and fairly, in order that every interest under the sun might benefit by it; but your legislation has led to the benefit of one class only, and to make the loaf cheap you have 'robbed Peter to pay Paul.' You take from one man the produce of his acres—you interfere with his capital—you say you had a thriving trade, but you shall have a thriving trade no longer, and with what we take from you we will enrich your neighbour." I say there is no justice in such a proceeding. I would recommend to you a reconsideration of the measure, for I defy any man to justify a system which places serf and slave labour on the same footing as English labour. I believe that the Government have not the power of carrying the principle of free trade into execution. They may cling to their theory of free trade, wild as it is; but it is impossible for them to carry it out. If that were so, they are bound to retrace their steps, and to give those who now suffered some chance of relief. I implore them, for the sake of the millions who are enduring the deep and unmerited distress brought on by free-trade measures, to reconsider the subject, and deal justice to those whose hearts and hands in time of war have protected us all. At present the sources that have supplied our martial force are falling step by step into irremediable decay. The industry of England is no longer protected. The foreigner alone has cause to rejoice. The foreigner knew what the effect of the policy of the hon. Member for the West Riding would be when he so feted and lauded him in his late tour on the Continent. The foreigner knew that the measures of the hon. Member would produce, not the prosperity of England, but the enrichment of the foreigner. And now, having made these observations, I trust the discussion will at least show to the farmers of England what they have to expect. It will, perhaps, show to them hon. Members who come here to protect their interests voting against this Motion. I ask for no unfair protection. I ask for the reconsideration of the subject that all classes may be protected alike. If the noble Lord at the head of the Government will hold out some hope of a wiser and better policy, then he may appeal to Heaven with a clearer conscience and clearer hands for the blessing of Providence on those counsels which he may be thus called on to give.

Motion made, and Question proposed—

"That this House will resolve itself into a Committee of the whole House, to take into consideration the Acts relating to the Importation of Foreign Corn."

Colonel DUNNE seconded the Motion.

Mr. ARCHIBALD HASTIE said, he had not heard any good reason adduced by the hon. Mover why the House should resolve itself into Committee as proposed. On the contrary, he had simply heard that which had been going the round of almost all the newspapers in the country—broad assertions, without any correct data on which to found them. He quite agreed in the statement that corn was now, and for the last six months had been, at a very low price, but that price was not lower than had prevailed for much longer periods under the old protection laws. Therefore, until the price of corn had been for a considerable time longer at a lower price than ever it was under protection, there was no ground whatever for going into any inquiry on the subject. Whenever it happened that for three consecutive years the price of corn had been lower than under the old law, and that parties complained of that low price, and showed they had been ruined by it, he should be perfectly willing to go into a Committee of Inquiry. Looking at the prices of corn which had ruled for the last half century, both at home and in those countries whence the largest importation was naturally looked for, including the countries on the shores of the Baltic and America, he was quite satisfied, upon an average of years, that it was impossible for those countries to compete with the English farmer by sending wheat here at a lower price than 45*s.* per quarter. He spoke advisedly, and, after examining into the quantities as well as the prices of the corn produced by those countries. From America, in its present state, our farmers need fear no large importation at a price lower than 45*s.* New Orleans was the cheapest American port for wheat; and, on the average of twenty years, it had not ruled there below 34*s.* or 35*s.* per quarter; and, consequently, it could not be brought here below 45*s.* Owing to the high price of labour in America, nearly treble what it was in England, and the small quantity of corn per acre which even good land yielded—prairie, new land, rarely giving more than ten bushels to the acre—for a long period, no apprehension need be entertained of any competition with the English farmer from America. He admitted that, with a short harvest at home, supplies would come from those countries where the harvest had been abundant, so as not to permit prices to rise as they otherwise would do, and the English farmer would be so far injured; but a bad harvest did not occur above once in five or seven years; and he was quite satisfied that no English farmer or proprietor of land would, for the sake of one year's profit, wish to see his fellow-countrymen starving by thousands. Much had been said about the condition of the English farmer at the present moment; he was precisely in the condition of all other manufacturers; he had times of low prices, times of high prices, and times of middling prices. In all times past there had been petitions to that House complaining of agricultural distress, whether with a corn law or without it. So lately as 1833, 1834, and 1835, there were petitions equally strong, complaints equally great, and assertions far stronger than any that were now made; it was then declared that the whole farming interest was totally ruined. The hon. Member for West Gloucestershire said the burdens on farmers had increased in a much greater proportion than those on other classes; he also said that they had to compete with untaxed growers of corn. From this he (Mr. Hastie) entirely dissented. It so happened, at the present moment, that the largest supplies in competition with the English growers were from France; and France was a country taxed as heavily as England; the revenue there rose to above fifty-six millions sterling. The large importations from France had arisen from this cause: last year the crop was abundant both in France and England—in the former beyond all previous history. Owing to the prevailing uncertainty of things in France, and the consequent distress, every farmer had been anxious to relieve his farm-yard, and turn his produce into money, so that in the event of another revolution, he might be able to keep his dollars in his pocket, and hence the low prices of agricultural produce, which were totally unprecedented of late years, and he believed almost unknown in the history of France. But these were all temporary matters. The manufacturers had to contend against similar influences; but they suffered quietly, persevered, and in two or three years recovered from their depression. At least they never gave in, but devoted themselves to the discovery of new modes of applying art with greater industry and additional skill, and thus they were enabled to go on. All he asked was, that English farmers and landlords should be called on to adopt the same course. He had no doubt they would display the same energetic and persevering spirit, if they were only told that they could do it, and let alone. Unfortunately, they had been told by high authorities that it was impossible for them to live. And however firmly the landlords might believe that, it was impolitic to say so. Rather let the farmers be recommended to look at their brethren in the towns, and be assured that the same energy and perseverance would produce the same result in their case. But when people got an idea that they must be ruined, it was extremely difficult to persuade them that they really were not ruined; and it was very bad policy in the landlords to tell them so. As corn formed only a fifth part of the farmer's production, the profit upon it would bear but a small proportion to the rent, towards which all the agricultural products contributed their due proportion. He was informed that upon all well and duly-cultivated farms, this was the general proportion which corn bore to the other agricultural produce, though there were doubtless exceptions to this rule; therefore, when a law was passed which affected the value of only one-fifth of the produce, it was most unjust to ascribe the distress of farmers to the operation of free trade. He was convinced that, at the present time, the people were better employed, better fed, and better clad than ever they were. Poor-rates, and charges upon the land of all descriptions, were less than they had been at any former period; and how a reduction in the price of one-fifth of the produce should work such extensive ruin he could not understand. Since the beginning of the present century rent had risen from 26 millions, in 1801, to 46 millions in 1848; the poor-rates, which, in 1803, were four millions, upon a rental of 26 millions, were six millions with a rental of 46 millions; and it was quite certain that the poor were better treated now than at the former period. The county cess had been much relieved by payments being thrown on the Consolidated Fund; and he did not think that the increase, comparing the present period with what were called years of prosperity, was at all proportionate to the increase of rental and population. On these grounds he felt called on to oppose the Motion.

Colonel SIBTHORP said, the argument of the hon. Member who had just sat down amounted to this, "Wait till you are ruined, and then complain." As to the people being better clothed and fed, he flatly denied it. He would support the Motion, because he should be glad to accept of any relief for the agricultural interest from the present House of Commons. If the hon. Gentleman referred him to Scotland, he would ask him to read the speech delivered by Professor Aytoun, from Scotland, at the late meeting at the Crown and Anchor. It was a speech which he (Colonel Sibthorp) had the pleasure of hearing, and he believed the gentleman who delivered it was known for his high character and great intelligence. With regard to the proposed Committee, he thought they might as well attempt to extract blood out of a milestone as to get any relief to the agricultural interest from the present House of Commons. A dissolution of Parliament and a change of Ministry had been recommended. They had had a bad enough Ministry before; they had not a much better one now. In fact, they were altogether a precious set. In the event of a dissolution, he knew that many hon. Members would not again be returned, to deceive their constituents. He had been one of the agricultural deputation who waited on the noble Lord; he had told them before going of the courtesy with which they would be received, and that the noble Lord would bow them in and bow them out. The noble Lord at the head of the Government dared not, on account of his free-trade friends, give any relief to the agricultural interest, however well he might be disposed towards them. He, therefore, expected no good from anything but a dissolution, and would exhort the friends of agriculture to action; let them register and persevere. He had a Motion on the Paper for remitting the income tax on farmers, which was another attempt to obtain a modicum of the justice which they claimed. He hoped that the hon. Member for West Gloucestershire, whose eyes were partly opened, would soon be induced to quit his seat and come over to the protectionist side of the House. He should support this Motion, though he did not anticipate the slightest good from it. The more the country saw of what was called free trade, the more would they be convinced of the propriety of the warning given by him before it was passed. This Motion would at least show who were the real friends of the farmer, and who were but "sheep in wolves' clothing." [*Laughter.*] He meant "wolves in sheep's clothing."

Mr. PLUMPTRE said, that in these trying times for the owners and occupiers of land, the chief consolation held out to them was a series of prophecies that things would get better rather than worse. The hon. Gentleman the Member for Paisley had also indulged in prophecy, and had told them that there was no reason to fear that America could export wheat to this country under 45*s.* a quarter. He could not say that he had derived any consolation from such a prophecy, for he believed, like all free-trade prophecies, it was one of deceit. He had heard very different language used by persons likely to be as well informed as the hon. Member as to the importations of corn that might be expected from America. He had been told that there was an illimitable extent of land ready for cultivation in America, and that in all probability there would be a large supply of wheat at a much lower price than that which had hitherto prevailed. The hon. Member for Paisley had also complained of the desponding terms in which landlords had addressed their tenants when they told them they could not compete with foreigners. It was asked why should they not be as able to compete with foreign farmers as our artisans with the foreign workmen. But the agriculturist and the manufacturer did not stand on the same footing. The agriculturist could not command the seasons. The manufacturer carried on his works almost independent of them. He was sorry the noble Lord at the head of the Government did not feel disposed to hold out any hopes of alleviation to those who were suffering great distress. It was said, indeed, that the interest to which he referred might have to be put to three years' further trial. Now, that, he conceived, was their great reason of complaint. The agriculturists were told that they were not sufficiently fleeced, and, as they could bear more yet, they should endure it. The noble Lord at the head of the Government could know very little of what was the state of feeling, or what was going on in the agricultural districts, in which there was a great and increasing amount of distress. That distress was aggravated by the uncertainty which existed in regard to the future. If there was any chance of protection hereafter, the agriculturists might try to do that which they were so often told to do—namely, apply their skill and capital to a greater extent to the cultivation of the soil; but when no hopes were held out to them—when they had no security for the future, the answer which was given their demands was only adding insult to injury. They felt that they were mocked and insulted as well as injured. He would, no doubt, be disposed to recommend to that suffering class a perseverance in peaceful conduct; but the expressions of a multitude suffering great distress had been heard, and ought not to be disregarded. He thought the time had come when the Government were bound to afford something like hope to the large masses of the suffering agricultural population of this country; but the language of the Government and of the hon. Gentlemen opposite appeared to be, "Perish agriculture! flourish Manchester!" There was an immense body of the people of this country anxious to get employment, but who could not obtain it; and they thought it was very hard that the foreign producer should be favoured and encouraged, while they were left disregarded. That was a matter which they could not understand, and it was producing an effect which was worthy of the serious attention of the Government. Now, he did think that it was too much to endure for men who were suffering so much to be met only in that House by prophecies and assertions which would never be realised. They were told in the beginning of the Session to "wait a little while, and things would soon be better." He thought that things would be worse, and he felt satisfied that if the free-trade system were persevered in, it would be injurious and ruinous, not only to the agricultural classes, but to the entire community besides.

Mr. SLANEY confessed he thought the country had gone on too fast in that matter, and believed it would have been better to have commenced with a low fixed duty. On the ground of justice, he thought the agricultural portion of the community, paying as they did a greater amount of local taxation than any other, were entitled to be relieved to the extent of that burden. And he thought any honest Committee of that House would concede so much to them, and he should feel disposed to leave to such a Committee the duty of deciding that matter. But the question was widely different when, after a long struggle, the duty on corn was removed, and now resolved itself into this—whether or not they ought to resume that which was called a protective system? Into that he would not consent then to enter; but if it was an investigation to see how an equivalent could be given to the land for its exclusive burdens, which some hon. Gentlemen denied existed, he would be in favour of such a proposition. However, they were bound to let the trial they entered upon take its course; but he would not be in favour of encouraging the agricultural interest to tell their tenants that there was no hope for them in their future exertions. It was his impression that if they brought to bear those energies which, as Englishmen, they never could want, they would bring back that prosperity once more, which would not only be beneficial to themselves, but to all the community. The present evils under which the agricultural interests laboured, were caused, as he conceived, by the large importation of foreign corn into this country, the result of an unprecedented large production last year. When before had they such extensive importations from France or Belgium? And in those countries the agricultural interests were in a similar position of depression to that under which England laboured. But in considering such a question as the present, he would ask the Legislature, Was there no other interest than that of the land to be taken into account? Were they not bound to bear in mind the condition of those who had no other property than their labour, and whose labour, therefore, ought to be protected? He maintained that the price of labour was not regulated by the price of food; it was regulated by the demand for, and the supply of, labour. But they were bound to take into serious consideration any measure which might have the effect of raising the price of food on those whose only property was their labour. With regard to the question of the corn laws, that having now been so far settled, he conceived they were bound to try the experiment for some time longer, and he acknowledged that he was not very sanguine that it would succeed. He thought it likely that great distress might prevail throughout the country; and whether the energy and industry of the people would enable them to struggle through it, was more than he could take upon himself to say. But he thought hon. Gentlemen, connected as he was with the landed interest, ought to address themselves to various other matters connected with their position—for instance, the shackles which now surrounded property, and the various economical arrangements by which the condition of the poor might be improved. If, however, the present distress should continue until the next Session of Parliament, he would vote for the consideration of the question as to whether an equivalent ought not to be given to the agricultural interest in proportion to the burdens under which it laboured. He was happy to say that there was no distress amongst the labouring agricultural population of the district with which he was connected and acquainted, although it might exist in other counties and amongst the agricultural interest generally. He believed that where distress occurred amongst the labouring agricultural inhabitants in other places, it resulted in many instances from a redundancy of the population, and the existence of abuses in the administration of the poor-law system.

The Marquess of GRANBY: Sir, I am anxious to offer a few remarks to the House on the vote which it will be my duty to give on the present occasion. I confess I am not surprised at the Motion made by the hon. Member for West Gloucestershire, although it comes from an acknowledged free-trader, and from the opposite side of the House, because I have always expected that those hon. Gentlemen, when they were fully convinced that the system of free trade was not adapted to this country—I always felt that they would be honourable and willing enough to acknowledge their error. Sir, I am not surprised at the Motion of the hon. Member opposite, because I am fully convinced that there is a deep reactionary feeling taking place in the minds of all classes in this country—with men of all shades of political opinion, of all classes, and all positions. It was but the other day that the opinions of the agricultural tenantry of this country were expressed at one of the largest meetings perhaps ever held in this kingdom, and they gave it as their deliberate conviction that it was utterly impossible for them, if the present rate of prices for agricultural produce continued, to cultivate their lands; that such a rate would not give them any remuneration for the skill and capital and labour they expended. They told the country, moreover, that they were obliged to dismiss their workpeople in consequence of the great depression in the price of the articles they produced. But, great as the distress is in this country, it is much greater and more deeply felt in the sister island. And it is natural that it should be so, for seven-eighths of that country depend upon agriculture alone for their support. I will state a few facts of the distress in that country, and the authority from which I quote will hardly be supposed to be tinctured with what might be called, perhaps, protectionist fallacy. This is from the Irish correspondent of the *Morning Chronicle*:—

> "The decrease of spring labour is again crowding the workhouses in several of the southern and western unions. The guardians are making strenuous exertions to avoid the necessity of outdoor relief. In Killarney, beside the ordinary workhouse, there are no less than eleven auxiliary establishments, in which there are 4,873 paupers. Another cause of the extent of pauperism arises from the great number of helpless people, chiefly women and children, left behind by able-bodied men who are emigrating to America."

There are various other extracts of the same character, with which I shall not trouble the House at present. The noble Lord at the head of the Government said he was obliged to bring forward his measure for the increase of the elective franchise in Ireland because the number of electors had so greatly decreased in that island. My hon. Friend the Member for Buckinghamshire, however, told the noble Lord, and told him truly, that it would have been much more statesmanlike on the part of the noble Lord, if, instead of lowering the franchise, he had introduced measures which would raise the people of Ireland to the franchise—if, instead of levelling the franchise to the pauperism of the country, he had raised the pauperism of the country to the franchise. And I confess I think that a more statesmanlike view than that which was taken by the noble Lord. But with respect to this country, the distress is not confined to the tenant-farmers, notwithstanding what the hon. Member who has last spoken said on that subject. The hon. Member mentioned that the condition of the agricultural labourers was not a depressed one. [Mr. Slaney said, he had spoken of those in the southern districts, with which he was acquainted.] I can speak, however, of the condition of the midland counties, and they are suffering, although the southern, perhaps, might not be suffering so much. I hope, therefore, that the hon. Member will not refuse to vote for the Motion of the hon. Member for West Gloucestershire. I can state that the weekly average rate of wages in some districts is not more than 4*s.* 6*d.* I regret I have not the documents to prove this at present by me; but I can assure the House the case is so, and it may rely on what I say. But the distress prevailing here was not confined to one class alone—it pervaded many others. It was only this morning I saw in the *Morning Chronicle* the following statement, to which I will take the liberty of calling the attention of the House. There has been a society established for the relief of the distressed needlewomen of this metropolis. It was founded in 1844, and amongst its objects were—

> "to provide employment for such needlewomen as might be out of work, by supplying them with materials for articles of coarse clothing, to be divided amongst the subscribers for distribution amongst poor persons; to procure instruction in needlework for women who are not efficient at their business, and to teach those who are capable of learning, and who merit such an advantage, certain descriptions of needlework which the women of London, from want of means of learning, are incapable of executing, and the materials for which, made in England, are now sent abroad to be manufactured by foreigners for sale in this country."

Now, the only way in which you can really find relief for these people, is by endeavouring to find them plenty of employment, and at fair wages, at home. But what is the state of this particular sort of business? I find, by the last return from the Board of Trade, that for the three months ending in April, 1849, the amount of embroidered and needlework goods imported into this country was 36,185*l.*, while for the three corresponding months of the present year it has reached no less than 67,955*l.*, or nearly doubled. The labouring classes in the country are beginning to feel the effect of your free-trade measures—they are beginning to find out that cheapness does not always, nor indeed generally, mean plenty; and they are beginning to discover that competion does not mean prosperity. Not only the labouring classes, but even the manufacturers themselves, are beginning to feel the pressure and impolicy of free-trade measures. It has been said, and said truly, this evening, that the prosperity of the agricultural districts depends upon that of the manufacturing districts. I fully admit the proposition, but at the same time I hold that the converse is equally true and tenable; and that the prosperity of the manufacturing depends also on that of the agricultural. And I am convinced that the manufacturers themselves are beginning to entertain that opinion also; they find that though by your free-trade measures the exports may be increased, at the same time the home demand for their goods is diminished. They are also beginning to find out that the home market is not only the largest and the most important one, but that it is also the most secure one. We have heard this evening that we must keep up our hopes, for that the prices of corn have been recently rising some eighteenpence a barrel one week, and sixpence, perhaps, another. And this has been held out to us as a reason why we should look to the future with more hope, and that farmers may expect the time will soon come when prices will be a great deal better than they are now. Now, with respect to this great anticipation, I will only say, I find by the *Times* newspaper that the average price of corn all over the united kingdom for the week ending May 4, 1850, was 36*s.*, and if you think that this little rise of 6*d.*, 1*s.*, or 1*s.* 6*d.*, will be of any advantage to the farmers, I can only reply that it appears to me to be perfectly ludicrous to talk in such a way. But what is the language of Her Majesty's present

Government? How do they defend their free-trade measures now? Do they say their object has been gained? The object of free trade had been to reduce prices to the lowest possible amount. We wanted cheapness, and we got it. No, they do not say so. They admit that great distress prevails, and that many farmers will be ruined. The noble Lord at the head of the Government said he was aware that the suffering which existed was partly attributable to recent changes in the commercial laws of this country; and acknowledged that he had heard from various parts of the country that suffering did exist. The object of the Government now is to show that at some distant, unmentioned, and imaginary period, prices are likely to rise. Does not the Government know that the only hope of their free-trade measures was, that at some future day they would be inoperative? I say, therefore, that under all the circumstances of the present case, I am not astonished at the Motion which has this night been brought forward by the hon. Member for West Gloucestershire. I look upon the admission made by Government, that the distress which now prevails is great—that this is an experiment which we are trying—I look upon the admission made by the noble Lord at the head of the Government—by the right hon. Gentleman the Chancellor of the Exchequer, and by a noble Lord in another place, as a ripple upon the wave, caused by the alteration of the wind in the political horizon; and I look upon this Motion, which has led to a discussion upon protection to-night, as a wave that has broken from the opposite side of the House, and which is but the precursor of the storm which is shortly to arise. It has been said that we have brought forward no substantive Motion on this subject. I think the reply of my hon. Friend the Member for Buckinghamshire to that taunt was simple, plain, and emphatic. He said that in the present spirit of the House of Commons, and with the temper of the present Government, and seeing that from the commencement of the present Session, as well as from the insult offered the agricultural classes in the Speech from the Throne—seeing also the reception they had received from the noble Lord in Downing-street, my hon. Friend had no right to suppose that the present House would give its sanction to any alteration in the present law; more especially when he remembered the fate of his very moderate proposition for a revision of the poor-law, and for placing part of the present agricultural burdens on the Consolidated Fund; and also the fate of the Motion of the hon. Member for Oxfordshire. I think my hon. Friend was perfectly right in not bringing forward any distinct proposition on this question, and that he should reserve to himself the discretion of choosing the time when he might do so. For my own part, I rest my reliance for the reversal of the present system, not on any revision which may be entered upon by the existing House of Commons, but on the force of public opinion out of doors. I do rely on the force of public opinion abroad acting on the various Members within this House. I rely on that, and not upon any proposition which one hon. Member or another may bring forward in Parliament. What, then, is the condition in which we now stand? Being fully convinced that, sooner or later—it may be to-day, or to-morrow, or a month hence—public opinion will force upon you the reversal of that policy you have pursued—seeing that the distress in the agricultural districts is so great and acknowledged, and that the Government refuses to listen to any moderate proposition made from this side of the House, and seeing the purport of the Motion of the hon. Member for West Gloucestershire, I, for one, cannot vote against the proposition of the hon. Gentleman opposite.

Sir B. HALL did not intend to occupy the time of the House; but it was utterly impossible for him to avoid taking the opportunity of calling their attention to the circumstances in which they were placed with reference to the very serious subject under their consideration. If it were possible to suppose that any person, not a Member of the House, could come in that evening and ask what was the subject under discussion, and be told that it was the great question of the corn laws, about which so much had been heard out of the House, would he not be struck with some degree of astonishment at the very little interest that was taken upon the subject within its walls? And that same stranger —whom it was impossible to suppose could be present—might very naturally have asked on which side sat the protectionists; while he might drawn his own conclusion that they sat on the right hand instead of the left of the Speaker, because the majority had certainly throughout the evening been on that (the right side of the

House; and it might naturally be supposed that those who had taken so great an interest in the question out of the House, would have come down in large numbers to look to the interests of agriculture in it, and thus have formed the most numerous body. But so far from that being the case, he had observed that when the three Gentlemen who had spoken from the protectionist side, namely, the hon. and gallant Member for Lincoln, the hon. Member for East Kent, and the noble Lord who had just sat down, were addressing the House, the largest number of Members on their own side had been 27, and the smallest 17. Such was the fact; and he asked, if it was not a perfect farce to go among the people during the recess, stimulating their minds, and dissatisfying them with the state of the law, calling themselves the farmers' friends, and the only advocates of their interests—and then out of 200 or 300 having seats in that House, only from 17 to 27 to come down on an occasion like the present to advocate the interests of those deluded beings who had been led to look upon them as their only defenders. He said it was a farce and a delusion, and he was certain that if the Gentlemen who belonged to what was called the Manchester school had taken a similar course out of the House, and not come down to promote their measures within its walls, they would have been, in no measured terms, assailed with censure by hon. Gentlemen opposite. He asked why they stimulated the minds of the people out of doors, making them discontented with the law, and telling them that they alone were the friends of the people, and yet had not the moral courage to bring forward their propositions when Parliament met? And when their great question was brought forward, who was it that did so? The noble Lord the Member for Stamford said, he was glad to see that the first political wave that had proceeded in that direction had come from the Ministerial side of the House. [The Marquess of GRANBY had said, that it was the first wave from the Ministerial side of the House.] He thought that was very much the same thing, for no waves whatever had proceeded from the other side. The farmers found there was such a calm on the protectionist side of the House, that not even the least ripple was to be seen on the surface of that political sea; and at last they had to thank the hon. Member for West Gloucestershire for having brought forward the question in which they felt so deep an interest. He repeated that it was a farce and a mockery for Gentlemen during the recess to say all they had been saying to their constituents, and then allow three years of this Parliament to go on without even daring to bring forward this measure. ["Hear, hear!"] He had used the word "daring;" for if a man said a thing out of doors, he ought to have the moral courage to say it also in the House. What would be thought, for example, of the metropolitan Members who out of doors advised their constituents to petition for the repeal of the window tax, but after all took no steps in the House to carry that object? yet Gentlemen on the other side went among their constituents promising to do all in their power to obtain for them the repeal of the laws which took away protection, and then allowed Session after Session to pass without bringing the question forward. He would just mention a parallel case—namely, the agitation for the repeal of the legislative union between England and Ireland. The conduct of the protectionists ran *pari passu* with that of the repealers. The agitators professed that repeal was everything to them and to their country; but did they bring it forward? In 1833 it was brought forward, but from that time to the year 1848 not one Gentleman who was a member of Conciliation-hall ever mooted the question in Parliament. By whom was it then brought forward? Not by a member of the Repeal Association, but by a Gentleman who was perfectly at variance with the members of that assembly. The present question was now introduced to the House in exactly the same manner. [*Laughter.*] Hon. Gentlemen opposite might laugh; but the cases were precisely similar, and he pointed it out in order to show that hon. Members were not prepared to say in that House, that which they were constantly saying out of doors. He said this advisedly and deliberately, and he used the expression in this sense—that hon. Gentlemen on the Opposition benches had given the people out of doors to understand that they would bring forward this question. ["No, no!"] Then, why did they rouse up the people, unless it were for some definite object? And what object could it be but the amendment of the laws? And where could they amend the laws, unless upon the floor of that House by fair argument? If, indeed, they wished to do it otherwise, let them say so. But the House of Commons was the proper place where the subject should be brought under discussion; and it had accordingly been brought under discussion that night, but not by the wish or desire of hon. Gentlemen opposite, but by his hon. Friend, with a view to see what was the real opinion of the House on the subject. They (the protectionists) could not deny the fact, that when the question was brought forward that evening, they could not muster more than twenty-seven Members; and if he (Sir B. Hall) and his hon. Friends had chosen to have walked out, there would not have been any House at all. He would not enter upon the question itself. He would only say that he was glad that an opportunity was now afforded for testing the votes of hon. Gentlemen on the opposite side of the House; and he hoped when they went to their constituents again and told them that they intended bringing forward a Motion before the House, that they would do so, and not leave it for a Member on his (Sir B. Hall's) side of the House to do it for them.

Mr. MILES was somewhat surprised at the speech of the hon. Gentleman who had just sat down. He charged hon. Gentlemen upon his (Mr. Miles') side of the House with inconsistency; but what ground was there for the charge? They were accused of not having attended in such numbers as the hon. Baronet could have wished; but he ought to recollect that the Motion did not originate with protectionists, but from the free-trade benches. What the party to which he (Mr. Miles) had the honour to belong, had advocated, they still continued to advocate; and though there might be waverings and vacillations on the bench to the right of the chair, amongst his friends there was a concentrated and determined feeling. Every man who sat near him had stood by the principle of protection through evil and through good report. He saw no reason, however sincere protectionists might be in the advocacy of their ideas, why they should obtrude a discussion indiscreetly, inopportunely, and unadvisedly upon the House. The time was not far distant when Parliament would listen with a willing and an eager ear to the doctrines of protection, and when a British public would entertain these and no other. There was no similarity whatever between the conduct of the question of repeal and that of protection. The question of the corn laws had been argued and decided in 1846. Since then there had been a new Parliament, and (there was no denying the fact) a majority of the House of Commons had been returned in favour of free trade. There could be no doubt about it. The country was appealed to, and had given a decision in favour of free trade. They must wait for a reaction. [*Ironical cheering.*] Ay, but was not that reaction quickly coming? Had it not set in? Look to the agricultural districts in England—look to Ireland—look to the north of Scotland. The north of Scotland was, he believed, suffering more than any other portion of the united kingdom. The soil was sterile—the climate unfavourable—the farmers there were unable to grow the finer and more costly produce, but generally devoted their lands to the pasture of cattle and the growth of oats. Well, but see how the price of oats and cattle had declined. Under the fostering care of protection, remunerating prices had been obtained for the produce of the industry of those poor people; but under the present system all their exertions were unavailing—the foreigner was encouraged to undersell them in their own market. It was a well-known fact that the Scotch banks were in the habit of advancing money to the agriculturists, which indeed was one of the causes of the prosperity of Scotch agriculturists; but he had been informed, upon such authority as full credence might be placed in, that since free trade came into full operation, those banks, finding that farmers were unable to meet their demands, had called in capital to the extent of 200,000*l.* Now, he would put it to his right hon. Friend the Member for Tamworth, if, with the disadvantages of climate, soil, and withdrawal of capital, those men could go on to till their lands? From the information which had reached him, he regretted to perceive that it was not the agricultural interest alone that was suffering, but some of the commercial and manufacturing classes also; and he greatly feared that free-traders would find, in the general depression of the entire population, the injury which they had inflicted upon the consumer at home, and that nothing could be expected but a great falling-off in the home trade. The hon. Baronet the Member for Marylebone had, in terms vague and undefined, spoken of certain promises made at protectionist meetings to bring the question before Parliament. He (Mr. Miles) had read reports of those meetings in the public papers, and must say that he had not seen it stated that any hon. Gentleman had expressed his intention of bringing forward during the present Session any Motion having for its object a recurrence to protection. The watchword of his party was, "Bide your time;" let the people trust in them. [*Laughter.*] Yes; let the people have full confidence in them, that they would never betray their principles, that they would never desert the cause of native industry, but that they were resolved upon not damaging their cause by a hasty and ill-advised course; that they would wait until the minds of the British people became convinced of the folly and fallacy of the free-trade theories, and when the national mind had constitutionally declared itself by returning to another Parliament a majority of protectionists, no time would be lost in retracing those steps and reversing that policy which had already manifested its disastrous effects at home as well as in our colonies.

Mr. MITCHELL perfectly agreed with the hon. Gentleman who had just resumed his seat, that the House ought not to legislate for any one particular interest, but for the general interest of the country, and more especially for the interests of the operative classes. It had been affirmed that the wages of the agricultural and manufacturing labourers had fallen in proportion to the reduction in the price of bread; but he believed it could be shown that, since the introduction of the system of free trade, the consumption of bread had increased one-third. How, then, could wages have decreased in proportion to the price of bread if there had been an increase of one-third in the consumption of that necessary of life? There could be no doubt that the facility of importation of corn had caused prices to fall; and he was satisfied that, by the lowering of price, the operative population had been placed in far more favourable circumstances than those in which they had lived before the recent measures of legislation were enacted. It was those measures which had kept this country quiet for the last three years, and had conducted them in peace through all the commotions that had agitated and disturbed almost every other portion of Europe. It was said that free trade had induced the farmers to sacrifice their property; but it was his opinion that the farmers had submitted to much lower prices than they had really any occasion to do; and this he attributed in a great measure, if not altogether, to the language which had been held to them by hon. Gentlemen opposite. Some of those hon. Gentlemen, and amongst them the noble Lord the Member for Stamford, had by their manner of argument to the agricultural population, induced them to make a sacrifice in selling their wheat at 3*s.* and 4*s.* a quarter less than they might have got for it. What was the present state of the corn market? The price had increased 5*s.* a quarter within the last fortnight. Was that owing to a scarcity, or to an unfavourable state of the weather? Not at all. It was to be wholly ascribed to an increased consumption. That consumption had been so great that, notwithstanding the enormous importation of foreign corn, the stocks in this country were now reduced almost lower than they were ever before known to be at this time of the year. Indeed, his own impression was, that prices would gradually increase, and that so far from any reaction from the present prices taking place, the probability was that they would have prices 2*s.* or 3*s.* higher rather than lower—in point of fact, that the average would be somewhat about 45*s.* a quarter. Now, taking the comparative prices of all other articles into consideration, he considered that that was a price at which a British farmer ought to be satisfied to sell his corn when he had a good crop. Looking at the diminution of the prices of manufactures, of sugar, of tea, and the various other articles of consumption in this country, he considered that the farmer was now better off, when selling his wheat at 45*s.* a quarter, than he was twenty years ago when he sold it at 60*s.* a quarter. Therefore, at the price which, in all probability, he would ultimately realise, the farmer had no reason to complain. But if he chose to allow himself to be induced by the vaticinations of hon. Gentlemen opposite to sell his wheat at 35*s.*, then he had no one to blame but himself. Among the hon. Gentlemen who had been instrumental in producing this effect on the minds of the farmers, was the hon. Member for Wakefield, in respect to whose observations with regard to the market price of wheat, seeing that the hon. Member was now present, he (Mr. Mitchell) would make one or two remarks. He understood the hon. Gentleman on a former occasion to state that he had purchased 1,000 quarters of wheat at a very low price. He did not doubt the veracity of the hon. Gentleman, and would admit that the hon. Gentleman had bought 1,000 quarters of wheat at the low price which he had stated; but what were the facts with regard to that wheat? The hon. Gentleman did not tell the whole truth. The wheat which the hon. Gentleman bought was not Stettin wheat, it was not wheat from Pomerania—both of which were of very good quality; but it was Silesian wheat, the bad condition of which was such that there was very considerable risk in transporting it to this country. But the hon. Gentleman made no admission in respect to that risk; he never said anything as to the difficulty of its importation from the Black Sea. But it was sufficient to say, that Silesian wheat was a very inferior red wheat, and which was subject to very great risk in its transmission to this country. He (Mr. Mitchell) further understood that at the moment that very Silesian wheat was imported at Hull, red Rostock wheat was sold for 7*s.* a quarter more than the hon. Gentleman could obtain for his Silesian wheat, and that the average price of red English wheat was 5*s.* a quarter higher than he could get for his said Silesian corn. What right, then, had the hon. Gentleman to come to that House, and talk of his having purchased foreign wheat at a very low price, and to frighten the English farmers into selling their wheat at a sacrifice? Surely one who so acted had no ground for assuming to be the farmer's friend. By his statements, the hon. Gentleman had been inducing the English farmers to sell their wheat at a lower price than they had any reason to do. He (Mr. Mitchell) was glad to see the recent advances which had taken place in the price of wheat; he therefore deprecated still more the language which the hon. Gentleman had used. He had now given the hon. Gentleman an opportunity of saying whether what he (Mr. Mitchell) had stated was correct or not.

Mr. G. SANDARS said, the hon. Member who had just sat down had made a most unreasonable and uncalled-for attack upon him: he was sure the House would listen to him whilst he replied to that attack. The hon. Gentleman had just charged him with having, through statements made in that House on a former occasion, caused a serious and uncalled-for depression in the prices of grain through the agricultural districts of the country. He really had not till now been aware of the influence he possessed; and he should still have been incredulous had not the hon. Gentleman declared it was so. But he begged to assure them his only object in giving that information was to lay a true statement of facts before the House and the country; and he defied the hon. Gentleman to disprove his statements. The hon. Gentleman had referred to a certain purchase made by him (Mr. Sandars) of Stettin wheat, and had represented it as being an isolated and single transaction. If the hon. Gentleman had perused the correspondence published in the newspapers, he would have seen that it was not a solitary transaction, but that several merchants of Mark-lane had purchased Stettin wheat at the same period, and on equal if not more favourable terms. He knew that purchases had since been made at even lower rates than the cargo now alluded to. But the hon. Gentleman said he did not tell the whole truth—that it was Silesian wheat, and necessarily of inferior quality. Now, though the hon. Gentleman was a Russian merchant, he was not a corn merchant. [Mr. Mitchell: I have imported corn.] Then, if so, it was that inferior quality of Riga or Archangel wheat, to the like of which he wished to compare his Stettin wheat; and he much doubted if the hon. Gentleman could tell the difference between a sample of Silesian wheat and a sample of Pomeranian. The order which he (Mr. Sandars) had sent out was published, and it was for the best quality of red Stettin wheat. He mentioned nothing about Silesian; it was an order for Settin wheat 61 lbs. to 62 lbs. to the bushel, and he would leave it to any person connected with the trade to say if yellow wheat of 61 lbs. to 62 lbs. a bushel from Stettin was not of the best quality. He had full confidence in the merchant to whom he had sent the order, and he performed it to his satisfaction. He had imported many cargoes of Silesian wheat, but he never had a cargo in the condition to which the hon. Gentleman had alluded. When the wheat arrived, its value in Wakefield market was from 37*s.* to 38*s.* If the hon. Gentleman referred to the quotations at that time in that market, he would find that the top quotation was 38*s.* to 40*s.* for the very finest qualities of English wheat. When he said finest quality of English wheat, he did not mean to refer to white wheat. The quality of the Silesian was a fine yellow wheat, and highly esteemed in the Yorkshire market. The hon. Gentleman said the farmers had submitted to a sacrifice; and no doubt he like other free-traders, was disappointed in the result that had taken place. It was found by experience that prices were much lower than they expected. He would read to the House a quotation from a speech of the hon. Gentleman. It was made in the month of last July, and he then said—

> "There was a prospect of an abundant harvest, and if the farmers got from 45*s*. to 50*s*. a quarter, of which there was every prospect, they would be better off than they had been in any year of protection."

The hon. Gentleman had also made an observation which certainly deserved some notice; it was that the consumption of wheat had increased one-third under free trade. A more preposterous statement than that, he (Mr. Sandars) could scarcely conceive. From whence had this increased quantity of one-third been obtained? During the last year they had imported about 5,600,000 quarters of wheat, the total consumption of the country having been 18,000,000 or 20,000,000 quarters. The hon. Member appeared to have left entirely out of his calculation the fact that the harvest of 1848 had been a defective one, and that 2,000,000 or 3,000,000 quarters at least were required to make up the deficiency. He had also not taken into account the quantity, amounting at least to 600,000 quarters, which had been exported to Ireland in that year, and the additional quantity required in that country in consequence of the failure of the potato crops. Altogether, at least 4,000,000 to 5,000,000 quarters were required to make up the deficiency; and it was a great mistake, therefore, to suppose that the 5,600,000 quarters which had been thus imported had been owing to the increased consumption of the country, while it had, in fact, only been imported for the purpose of supplying the deficiency of the previous harvest; and it was fortunate that they were able to obtain so large a quantity. But what was the quantity which would, in all probability, be imported for the years 1849–50? He found, by a return recently laid before Parliament, that the quantity of wheat imported during the six months ending 5th of April last was 1,401,000 quarters, as compared with 2,994,000 quarters in the corresponding period of the previous year. And if they were to go on at that rate for the remainder of the present year, they would import, not 6,000,000, but 2,800,000 of quarters only. The hon. Member for Paisley had stated that wheat could not be imported from America under 45*s*. per quarter. Such, however, was not always the case, for wheat had been imported into this country from New York and New Orleans at prices considerably under that; and it was only in consequence of the stocks of wheat being lower there than usual, that it was not now imported at less. Returns had been laid before Parliament, on the Motion of the hon. Member for Shrewsbury, which gave the prices of wheat in the continental ports and in America for several years past; and it would be found, upon reference to that return, that in 1844 the prices at New Orleans ranged from 17*s*. to 30*s*., and in 1840 from 23*s*. 6*d*. to 34*s*. The freight and charges, when added to those sums, would give a very different result from that mentioned by the hon. Member for Paisley. In Prussia Proper, for a period of 22 years, from 1816 to 1837, wheat had been 28*s*. 9*d*.; and for 17 years, from 1820 to 1837, only 25*s*. 5*d*; for Dantzic, for the same period, only 25*s*. 4*d*., as per Mr. Porter's tables. He was surprised that his former statements relative to the prices wheat had been sold at in Pomeranian ports should have been doubted: did the hon. Gentleman know the rates at which wheats had been selling in the English markets? He would state a few from those districts he was best acquainted with:—at Boston the averages through March were for wheat, 34*s*. 5*d*. 34*s*. 6*d*., 34*s*. 11*d*., 35*s*. 10*d*.; Oats, 12*s*. 10*d*., 12*s*. 5*d*., 13*s*. 3*d*., 12*s*. 10*d*.; Beans, 22*s*. 6*d*., 22*s*. 8*d*., 22*s*. 7*d*., 22*s*. 11*d*. His correspondent said, April 12th 1850—"Good red wheat sold on Wednesday last, 61 to 62 lbs., at 31*s*. to 32*s*., and fine 63 lbs. yellow up to 34*s*." At Wisbeach the average prices of wheat through March and April ruled from 34*s*. to 35*s*. April 20th a correspondent writes —"Prices to the farmers for 62 lbs. red wheat, 31*s*. to 34*s*. per qr." From Spalding, April 17—"Good red wheat was bought yesterday at 33*s*. per qr. 63 lbs. to the bushel, to the farmers, and for useful coarser quality, 31*s*., 61 lbs. to 62 lbs. per bushel; oats 11*s*. 6*d*. to 12*s*." From Driffield, May 4th—"The average last week was, wheat, 32*s*. 6¾*d*.; oats, 11*s*. 4*d*.: this week, wheat, 33*s*. 11*d*.; oats, 13*s*." Sales of good wheat were also made at Stamford, 63 lbs. at 32*s*. 7*d*. per qr. in quantity. He could give numerous other quotations of English markets to show the low prices at which English wheat had been selling; yet hon. Gentlemen appeared to be surprised, and doubted the truth of statements, quoting similar rates for foreign wheat: surely our merchants were not going to pay the foreigner more for his corn than they could buy it for at home. We had a return of the exports of corn from Galatz and Ibraila. In Wallachia they amounted for some four or five years past to upwards of 1,200,000 qrs. per annum, though for some ten years previous they had only averaged some 300 qrs. per annum. He remembered that, in 1846, a large cargo of wheat arrived at Goole, in Yorkshire, from Ibraila, which had cost only 9*s.* a quarter, and, with freight at 8*s.* 6*d.* was delivered under 20*s.* Now, in a work which was published by the hon. Member for Westbury, the hon. Gentleman said—

> "He would take 52*s.* 2*d.* to be the proper price of wheat; and it was therefore clear, that whatever was the average price, if it were above 52*s.* 2*d.* the farmer gained so much extra profit, and if it were under that amount he suffered so much extra loss."

He (Mr. Sandars) was afraid that the balance was on the wrong side now. But the hon. Member for Wesbury went on to say—

> "That while incalculable benefit would arise to the manufacturing interests and the working classes generally from the adoption of free trade in corn, nothing was more erroneous than to suppose that the price of provisions or labour would be cheapened thereby; but the consequence would be, by continued prosperity, to provide higher rates of each."

He was sorry the opinion of the hon. Gentleman so far had not been carried out. He could not agree with the hon. Gentleman the mover of the Resolution, that it was desirable to bring this question before the House at the present time. He understood the hon. Gentleman to say that the present system had been tried three years, and therefore long enough; but he must remember that although the Act was passed in 1846 it did not come into operation until February, 1849. Up to that time there was a sliding-scale; and the present system, therefore, as he conceived, had been in operation only fifteen months. Much had been said in that debate as to the prices of 1835. Hon. Gentlemen should remember that there was a great difference between the prices of 1835 and of the present time as to other descriptions of grain than wheat. If they took wheat, the difference of price was not very much; but if they took other descriptions of grain, they would see a very wide distinction. In 1835 the average price of wheat was 39*s.* 4*d.* Last six weeks of 1850 wheat was 37*s.* 8*d.*; difference, 1*s.* 8*d.*; barley, 1850, 22*s.* 9*d.*, 1835, 29*s.* 11*d.*, difference, 7*s.* 2*d.*; oats, 1850, 15*s.*, 1835, 22*s.* 1*d.*, difference, 7*s.* 1*d.*; rye, 1850, 21*s.* 2*d.*, 1835, 90*s.* 4*d.*, difference, 9*s.* 2*d.*; beans, 1850, 23*s.* 9*d.*, 1835, 36*s.* 11*d.*, difference, 13*s.* 2*d.*; peas, 1850, 25*s.* 1*d.*, 1835, 36*s.* 6*d.*. difference, 11*s.* 5*d.* These low prices arose from our large production; that year being considerably above an average, and the three preceding years were full averages. In 1849 the crop was large; but it was preceded by a deficient crop; and therefore the farmers were less able to bear the present low prices. He wished to call the attention of the House to the system of averages as made up in this country; they did not fairly represent the prices the farmer received for his produce, as it was returned over and over with an accumulation of freight and charges. For instance the averages were—

	General Average.	London Average.
March 22	38*s.* 1*d.*	42*s.* 5*d.*
April 5	37*s.* 9*d.*	42*s.* 10*d.*
April 29	37*s.* 10*d.*	42*s.* 2*d.*
May 13	36*s.* 11*d.*	41*s.* 4*d.*

Or a difference of 4*s.* to 5*s.* per quarter, and he believed the general average, if taken fairly from the growers alone, would not now be above 35*s.* in place of 36*s.* 11*d.* He should advise the right hon. Gentleman the President of the Board of Trade to take this question into his early consideration, with a view of having the returns made from the growers or producers only, and that he would also turn his attention to a system of agricultural statistics. It was a disgrace to this country and this age that we had no means of testing our yearly produce and consumption of grain. Statements had been made of the smallness of our stacks of wheat out of the farmers' hands. The noble Lord the President of the Council had said the other day, that the stock of foreign wheat in the country was only 242,000 qrs.: this was a great mistake. The stock in London alone amounted to fully this. In Liverpool it was considerable; and in Wakefield and Leeds alone it amounted to 120,000 qrs.; and take this country at large, he believed it amounted to near, if not quite, one million of quarters. There was one further point to which he wished to refer in connexion with this subject, and that was the danger which, in his opinion, arose from an extreme reliance upon foreign supplies of wheat in cases of deficient harvests at home. The great bulk of the supply of foreign wheat was obtained from European ports. It appears that during the last year there had been imported from Russian ports 550,000 quarters; from Denmark, 243,000 quarters; Prussia, 618,000; Holland, Belgium, and the Hanseatic towns, about 1,000,000 quarters; from France, 730,000 quarters; America 617,000 quarters; and from all other parts of the world only 418,000 quarters. When deficient harvests occurred in this country, a similar deficiency usually prevailed in the continental nations of Europe; the case was not so, however, with America, and drawing as we did our chief supplies from Europe, he could but apprehend serious difficulties, if not famine prices, in periods of deficiency at home from our relying to a great extent upon foreign supplies. As to what might be considered the natural price of wheat under the free-trade system, some differences of opinion appeared to prevail. He had taken some pains to procure correct information on this point, by correspondence with corn merchants in the principal ports of Europe, and the result was, that at 35*s.* per quarter here, we might expect considerable supplies of foreign wheat. It would be produced and shipped F. O. B. at 28*s.* to 30*s.* per quarter, and with 5*s.* to 6*s.* per quarter freight and expenses, delivered at the ports of this country. He would, with the permission of the House, read to it a letter he had received from a merchant of high standing in Prussia, and one who was high in the confidence of the Government of that country:—

> "Stettin, April 4, 1850.
>
> "The main question is, at what price can the farmer abroad afford to sell wheat, and what does it cost the farmer at home? I am not able to judge of the latter; but so much is certain, that you cannot grow wheat as cheap in England as is the case on the Continent; and I have therefore ever been of opinion that you ought to have retained a moderate duty, of perhaps 5*s.* per quarter, till such time when the price of land, rent, taxes, labour, &c., comes more to a level (if ever) with other countries; and I have no doubt that the country at large would have been quite as satisfied as with the present 1*s.* duty. I say this, notwithstanding I adhere to the principle of free trade as much as any sensible man can do, and I found it upon the conviction, that our farmers can well afford to sell at prices equal to 29*s.* and 39*s.* per quarter, free on board; and upon the belief that it will be found similar in all exporting countries, say, that under common circumstances, they all can grow, or afford to supply you considerably cheaper than England."

The Chancellor of the Exchequer had recently stated, that he believed the price would range at between 45*s.* and 50*s.* per quarter: in his (Mr. Sandars') opinion it would vary from 35*s.* to 40*s.* Returns recently laid before Parliament showed that they had imported under the 5th and 6th Vict., in two years, 400,000 quarters of wheat, which paid a duty of 20*s.*, the average price of which must, therefore, have been under 50*s.* With respect to the Motion before the House, he felt himself placed in some difficulty. He thought it unwise to bring forward the Motion at the present time, as the system of free trade had not been in operation for more than fifteen months. He had pledged himself that he would give free trade a fair trial, and he felt bound to say that, in his opinion, it had not yet received that fair trial, and he did not, therefore, feel himself in a position to vote for the Motion of the hon. Member for West Gloucestershire.

MR. J. WILSON said, the hon. Gentleman who had just sat down had referred to an opinion of his (Mr. Wilson's) expressed in a publication issued in 1840, and in referring to that the hon. Member had told the House, that in that year he (Mr. Wilson) had mentioned the price of 52*s.* 2*d.* as being the average price of the preceding seven years—a price which had paid the English farmers, and which would probably continue to be the price in future years. The hon. Gentleman had then expressed his regret, that the experience at present did not justify the opinion which he (Mr. Wilson) had put upon record at that time. Now, he held a paper in his hand, from which he found that, taking the average price of the last seven years, and comparing it with the price for the seven years preceding 1840, instead of its being 52*s.* 2*d.*, it was 53*s.* per quarter. The hon. Gentleman also said, that the present average price was below the average in 1840; but it should be remembered that the seven years to which he (Mr. Wilson) had referred in 1840, included years when the price of wheat was lower for a longer period than it had been at any period during the last seven years, even including the present year. In 1835, for instance, for a period of thirty-six weeks, the price of wheat was under 40*s.*; whereas in 1849, the price had been under 40*s.* only for a period of sixteen weeks. Then the hon. Gentleman went on to quote the average price of barley and oats at that time, compared with the present, but fell into a great fallacy, because at the former time he quoted the average for a year, and at the present time quoted the average for the last six weeks only Let him quote the average price now and in 1835. Last year the price averaged 10*s.* higher than it did at the present moment; and therefore it was unfair for the hon. Gentleman to compare 1835, taking its low and high price together, with the price at the present moment. Then, the hon. Gentleman referred to the statements he had made in the House and elsewhere as to the prices at which he had made purchases. He (Mr. Wilson) had no doubt that whatever the hon. Gentleman stated as regarded his purchases was true; but he contended that the price at which he might have purchased wheat at the present time, considering that the present was an exceptional time—that at whatever price he might have purchased for the last two or three months, it could be no fair criterion of the price of wheat for a number of years. But the hon. Gentleman had gone further, and quoted several letters he had received from the Continent for the purpose of showing that wheat was lower than when he had addressed the House on a former occasion. He (Mr. Wilson) could only say in reply, that he had a statement from the continental ports, by which he found that in every market of the continent of Europe, extending to the Baltic ports, the price of wheat had risen from 1*s.* to 2*s.* 6*d.* during the last fortnight. He had observed that some of the letters from which the hon. Gentleman quoted were dated so far back as the 9th of March, and that the latest was dated the 15th of April. The hon. Gentleman had also quoted letters from the home markets; but these also were dated some weeks back. Now, the rise of price in the home markets to which allusion had that evening been made, occurred during the last fortnight or three weeks. He found that in Canterbury four weeks ago the average price was 38*s.* 7*d.*; the present week it was 40*s.* In Lincoln, four weeks ago, it was 37*s.*; last week it was 39*s.* 8*d.* He had been told by a gentleman that evening, that at a market in Berkshire he had recently sold wheat at 44*s.*, being 4*s.* higher than he had obtained for it a fortnight ago. But the hon. Gentleman had also complained of the mode of taking the averages, and he had quoted the London averages as being higher than those in the provincial towns. If, however, he had referred to his statements on former occasions, he might have found out why the London averages should be somewhat higher than the country averages. The hon. Gentleman was perfectly right in supposing that, so far as home-grown wheat was concerned, it was subject in London to a portion of the same charges as the foreign wheat, and the addition of those charges might explain why the average here was higher than it was in the provincial towns. But, however, it was of much more importance that the House should consider the general bearings of this question, than that they should consume their time on individual cases. He was perfectly willing to admit, with many hon. Gentlemen on the opposite side of the House, that there was not in this country at present that universal prosperity which all present would be glad to see; but all, he thought, must acknowledge that there was a wonderful distinction between the suffering at present compared with the suffering at former times. ["No, no!"] He thought every dispassionate man must admit that, whereas in former times much of the suffering had been undergone by the working classes, whatever suffering we had now to deplore was chiefly confined to the middle classes of this country. [*Renewed cries of* "No, no!"] Hon. Gentleman said "No, no;" but he had heard an hon. Gentleman on the opposite side say, in the course of the present Session—and it was a true saying—that this question of the corn laws must be settled by the influence it bore on the working classes. On that test he (Mr. Wilson) was willing to judge of this question. In February last, prior to the Motion of the hon. Member for Buckinghamshire, the Government laid a return on the table from the Poor Law Commissioners, showing the state of pauperism on the 1st of January this year, as compared with former years. A noble Lord, in another place, who was dissatisfied with that return, and suspecting that there might be some cause for making it up to the 1st January, moved for a similar return applicable to the middle of the last quarter. What did that return show? He moved for a return of the number of paupers receiving indoor and outdoor relief in a given week in the middle of February. Now, that return, moved for by a noble Lord, himself a great protectionist, showed the following remarkable results: In the corresponding week of these years, there were—

	Outdoor Paupers.	Indoor Paupers.	Total.
1847	... 729,000	... 179,000	... 908,000
1848	... 824,000	... 169,000	... 993,000
1849	... 784,000	... 159,000	... 943,000
1850	... 748,000	... 142,000	... 894,000

So that in the vaunted year of 1848, when wheat was 100*s*. per quarter, there were a far greater number of paupers than in the present year of alleged depression and distress; and the total number of paupers in the country had been reduced from 993,000 to 894,000. He thought they would hardly, after this evidence, deny that, whatever suffering there may be in this country as compared with former years, they could not attribute an unusual portion of that suffering to the labouring portion of the community. But while he admitted there was considerable suffering among the middle classes, he could not admit that that suffering was confined to the agricultural classes. They had been told by the hon. Mover of this Motion—and hon. Gentlemen seemed to think that the statement told a great deal in favour of their views—that the free-traders were disappointed in the expectations they entertained of free trade. But could hon. Gentlemen overlook the causes which affected the middle classes at this moment? Could they not discover one great cause to which farmers, shopkeepers, and others of the middle classes, owed much suffering? Some hon. Gentlemen present knew the county of Lincoln and other counties, and they were well aware that they could scarcely name a person in those counties who had not suffered severely from railway speculations. ["No, no!"] Hon. Gentlemen said, "No, no." He was not charging the agricultural classes with speculating in railways. He had already said that he did not confine his observations to them. He believed the middle classes of Liverpool and Manchester were as much, or, perhaps more, engaged in these speculations than others; but while he said this, he could not hide from himself the fact that this was one great and patent cause of the suffering with which free trade was charged. He had obtained a return from the secretary of the Stock Exchange, which gave an account of nine of the chief railways of the kingdom. From this it appeared that, in 1848, there were no less than 147,000 men employed in making railways; now, there were not quite 45,000. So that here were upwards of 100,000 men thrown idle in consequence of the discontinuance of these railways. What else did he find? In 1848, on these nine railways, there were expended 51,000,000*l*. sterling, from which the middle classes derived in dividends 2,700,000*l*. At present, there were expended 102,000,000*l*.; and what did the House think the public were deriving as an income from that sum? Why, no more than 2,500,000*l*., being 200,000*l*. less than they derived from the 51,000,000*l*. expended in 1848. In fact, then, 51,000,000*l*. had, in the interval, been expended by the community, from which the owners now realised absolutely no return whatever. This was a fact which, in his opinion, of itself explained a very great deal of the distress under which our middle classes were suffering. The hon. Gentleman talked of the diminished imports of grain last year. If any argument more striking than another could demonstrate the benefits which free trade had conferred upon the country, it was precisely that of the hon. Member on this particular point. The hon. Member told them that the harvest of 1848 was deficient, and that, in consequence of that circumstance, no less than 5,500,000 quarters of foreign wheat came into this country under the facilities given by our recent legislation. Such was precisely the object of that legislation. The hon. Member said that the importation this year had fallen off—the harvest of 1849 having been plentiful; this again was the object of their recent legislation; to equalise, as nearly as in them lay, the seasons. The hon. Member, moreover, was mistaken in his figures on this point; he stated that, in the last six months, up to April, 1,200,000 quarters had been imported, whereas the returns to the Board of Trade indicated only 600,000 quarters —463,000 of these being of wheat. The hon. Member asked what evidence the hon. Member for Bridport had of the large increase he indicated in the consumption of bread this year. The hon. Member for Bridport had the same evidence that was open to the hon. Member himself in the simple facts, among others, that, in addition to the large quantity of foreign wheat imported, the quantity of home wheat sold in the English markets in the past six months was 2,627,000 quarters; whereas the quantity so sold in the six corresponding months of last year was only 2,310,000 quarters. The hon. Member who opened the debate talked of the English farmer being undermined by the United States' farmer; and, further, a great deal had been said about the quantity of wheat imported last year from the United States, of the large profits made upon those imports, and so on. Now, he held in his hand an account of four cargoes of wheat, imported last year from New York to Liverpool, by the house of which the hon. representative of South Lancashire was a member. He found that, upon the first of these cargoes, consisting of 4,315 quarters, there had been a loss in quantity of 357 bushels, equivalent to a charge of 2*s.* 3*d.* per quarter, the cost of bringing the cargo to England being 10*s.* 2*d.* per quarter; or, together, 12*s.* 5*d.* per quarter. The case with the other cargoes was much the same. It appeared that at the present time the price of good white wheat in New York was 44*s.* 9*d.* per quarter; so that this wheat could not be brought into the markets of this country under a total cost of at least 56*s.* He would add this further fact, that at the present moment flour was 3*s.* per barrel dearer at New Orleans than at Liverpool. He did not perceive, then, any danger of the British farmer being undermined by the United States' farmer; and, moreover, he should not be surprised to see, within a few months, quantities of wheat shipped from Europe for the United States. [" Oh, oh!"] Hon. Gentlemen who cried " Oh, oh!" did not seem to know that scarcely ten years ago large supplies of wheat went from Europe to America. During the last ten years there had been variations of high and low prices. The years 1843, 1844, and 1845, had been, on the continent of Europe, the cheapest years that had been known for a long period; but he could not understand why some hon. Gentlemen should be unwilling to take the experience of the last ten or twelve years as a fair criterion of the probable prices of the next five or ten years. The condition and character of many parts of the Continent were entirely changed within the last fifteen or twenty years. The Rhenish provinces, for instance, had formerly exported a considerable quantity of grain; but, for several years past, instead of exporting, they had been regularly importing. It had been said that free trade would stimulate production abroad, and that in the course of time it would increase materially the supplies from foreign countries. He had no doubt that would be the case, provided we could give to those countries a higher price than they had been in the habit of receiving, for they would then bring new land into cultivation, and increase the productiveness of the land already cultivated; but, unless we gave an increased price, there could be no impulse to increased cultivation. He could only say that he thought it would be most unfair and most unwise in that House to declare that the experience they had hitherto had with regard to recent legislation could afford a satisfactory solution of this question. Would hon. Gentlemen, in the month of May, 1836, have been satisfied to take the experience of 1835 as a fair criterion of the effect of the sliding-scale of 1828? Was he not, then, equally justified in declining to take the prices of 1848-49 as a fair criterion of what the price of wheat would be in future? It had been shown clearly and indisputably that, whatever parties in this country might be suffering from distress, the working classes were better off than they had been some years ago. [" Oh, oh!"] Would not hon. Gentlemen opposite credit returns which had been laid upon the table by their own friends? The House had no other criterion by which to form a judgment; but if hon. Gentlemen opposite could furnish any better criterion of the condition of the working classes than was afforded by the returns from poor-law unions throughout the kingdom, which were wholly uninfluenced by the Government, he would be willing to admit that these returns did not afford a satisfactory test. Until, however, some better criterion was found, he was entitled to say that, whatever effect free trade in corn may have had, and whatever consequences may have been produced by low prices, the working classes of this country are at present in a better position than they even enjoyed before free-trade measures were sanctioned by Parliament.

Mr. HERRIES said, he would occupy the House only a short time. The present debate, as far as it had gone, was undoubtedly fertile in admissions on all sides tending to the hope that the House would ultimately come to some common agreement on this important subject. One hon. Member (Mr. Hastie) stated if the present state of things continued for three years longer, he would become a protectionist, and agree to a duty on foreign corn. The hon. Member for Shrewsbury (Mr. Slaney) made a remarkable statement, that had he been consulted on the repeal of the corn laws, he would have advocated a protective duty, because he considered it was justified by reason of the special burdens borne by the agricultural interest, and that if the present state of things continued, he was of opinion that protection must be given. Why, this was the very essence of protection, for the hon. Member was both retrospectively and prospectively in favour of that policy. It was much to be regretted that it had not the advantage of his present support. Let it always be well understood that the protectionists called for no special favour to any class. With respect to the agriculturists they asked for strict justice only, and they demanded it in the alternative: they required either a reversal of the free admission of foreign corn, or some compensation for the special burdens to which land was subjected. This, in fact, was the whole question. The hon. Gentleman had said the present disastrous state of things was not wholly to be attributed to free trade; but he could not deny that a part of the distress was owing to the adoption of free trade. The hon. Gentleman the Member for Westbury gave the agriculturists hopes of better times—meaning better prices. What did that hon. Member mean by such inconsistency? If low prices be the object of the free-traders, and they had obtained them, why should they now turn round and say low prices ought not to exist any longer? All these contradictions, in his opinion, tended to further the Motion of the hon. Gentleman the Member for West Gloucestershire. He (Mr. Herries) would confine his observations to the question before the House, which was to go into Committee to consider the laws relative to the importation of corn. Taking the Motion in conjunction with another which had been announced some time back by the same hon. Member, for a fixed duty of 8*s.* on the importation of foreign corn, he would say if the House agreed to the Motion before it, he should in that view give it his support; and he must say he was surprised the noble Lord at the head of the Government should have any difficulty in giving his consent to this Motion, seeing that he at one time was in favour of an 8*s.* duty himself. The answer given by the noble Lord opposite to the remonstrances of this important and most aggrieved interest, when recently presented to him by a deputation entitled to much respect, was by no means satisfactory. The debate to-night had turned upon the argument, or what was called such, that this was but a trial of the experiment of free trade. He would refrain from addressing his observations on this occasion to the effect of such an experiment upon other branches of British industry, and restrict them to the free introduction of foreign corn in competition with our home produce, by which it was now no longer disputed that the value of that produce had been lamentably deteriorated. As to the assumption now put forward, that the recent policy was adopted as an experiment only, he should protest in the strongest terms against such a view of the subject, and against the belief that any Legislature could have been rash and reckless enough to venture upon an experiment involving in its possible consequences the welfare of the largest and most important proportion of the community. He, for one, had never understood, at the time they were bringing forward their free-trade propositions, that they were about to try an experiment. He did not think that if the proposition were so understood, the House of Commons would ever have consented to it. When the hon. Member who had moved the Address at the commencement of the Session had admitted that the agricultural interest had suffered a loss of 90,000,000*l.*, he did not treat that enormous sacrifice as the result of an experiment only, but rather gloried in it as a permanent consequence of a permanent policy. If, however, these measures were to be looked upon only as an experiment, he thought that they must acknowledge this was an experiment which had had a fair trial, as far as the agricultural interest was concerned. It was now three years since the passing of the Act; but in point of fact there were only fifteen months that could be said to be applicable to the experiment made. From the moment that this Act might be said to have come into full operation, the most serious results were felt by the agricultural interest. This experiment had had, then, a trial which every reasonable man must admit had told most injuriously upon the farming interest of the country. In spite of all the calculations made on the other side as to the probability of that interest rising from its depressed state, it was now next to impossible that any dispassionate person could entertain a rational hope of their anticipations being realised under the existing law. The Legislature, he contended, had no right to impose these hard conditions, whether by way of trial or otherwise, upon the greatest interest of the country. It was impossible for the present system of government to continue without giving some relief to the agricultural interest, which was now suffering such unequal burdens. He would ask those who supported these measures to say candidly whether they had not been disappointed in the results expected from them? Was there any person now in office who, if he could have foreseen the effects that were to follow from these measures, would have had the folly or the wickedness to propose them? Would he not rather have shrunk from the idea of throwing the agriculturists of England into competition with the foreigner, if he had foreseen the consequences? The agriculturists were told to put their hope in the future, for that things would soon become better. They talked of the energies of the British farmer, and they spoke eloquently of the spirit of the British farmer backed by his English capital being able to overcome his present difficulties. But he would ask them what right had they to impose these difficulties upon the British farmer? What right had they to test to the utmost extremity of even possible endurance his spirit and his strength under such circumstances? He had no doubt but that the British farmer would struggle to the last against these or any other difficulties, and perhaps be able, to some extent, to mitigate the evils with which the Legislature had surrounded him. But within the short time that had elapsed since this so-called experiment had been tried, the prices of agricultural produce had diminished 20, 25, and 30 per cent. Was not that broad fact sufficient evidence of the result of the trial, without descending to minute calculations or particular details? But, in order to show in the most tangible form the pressure that was imposed upon the agricultural interest, let us compare it with the pressure of the most prominent of the direct imposts upon the country, and the effects of which were universally felt and acknowledged. Compare what had been done to the British agriculturist with the alarm which was created in the last year by the right hon. Gentleman the Chancellor of the Exchequer, when he felt himself compelled to repair his shattered finances by a proposition to increase the income tax. We all remember the universal outcry which followed the announcement of that proposal. It was true the Government were obliged to withdraw that proposition, and to content themselves with the simple continuance of the tax at its existing rate of 3 per cent. But what was this even when compared with the sacrifice now recklessly imposed upon the income of the agriculturists? What was the amount required to be paid by the agriculturists? Why, they had taken 30 per cent on the incomes of the farmers. They had taken in this one year from the farmers, what was equivalent, at the least, to ten times the present income tax. One hon. Member said, that if England continued to suffer thus for three years, he would be a protectionist. He (Mr. Herries) would tell the hon. Member that he should according to his own principles be a protectionist and help the agriculturist now. The commiseration of the hon. Gentleman ought not to be postponed—it should be manifested at once, for the extent of the loss and suffering was generally acknowledged. The proposition now made had for its object the going into a Committee with a view, no doubt, of proposing a fixed duty upon foreign corn. He (Mr. Herries) did not think that that would be a very great relief to the agriculturists. He was convinced that the effect of putting on such a duty would not materially affect the price of corn. He was disposed to think that the imposition of a moderate fixed duty upon corn would not have the effect of raising the price, but it would ensure them against the prices going much lower. It would have the effect of circumscribing the radius of competition of the foreign growers in our own markets, and would thereby put a certain limit upon those enormous importations, from which the detriment to our own producers had been so severely experienced. It might thus in all probability tend to arrest a further declension in the price of corn in this country. Even supposing that it would have the effect of raising the price of corn to the extent of 45*s.*, that would, in some degree, be a boon to the farmer, as compared with the present prices. Could they point out any interest in the country that would be injured by a rise in the price of corn to 45*s.*? If they could not, why then did they not take some steps to attain this result? They certainly used much milder language to the demands of the agriculturists now than they did before. But would they do nothing more? Would they wait for the expiration of three years for the experiment, as the hon. Member for Paisley suggested? He would caution them against any further delay. They ought to take warning by the excitement and alarm that they had already created. But the agriculturists had been somewhat suspiciously advised by the right hon. Baronet the Member for Ripon, not to press their claims for relief in the present Session, but to postpone them until the next year, when the income tax would expire, and when a general reckoning with the Chancellor of the Exchequer must take place, and thus to throw the weight of their grievances into the general cauldron of difficulties with which the noble Lord at the head of the Government would then have to contend. It was admitted from both sides of the House that the landed interest was exposed to peculiar burdens which ought to be taken into consideration, and relieved, when the question arose of exposing it to open competition with the foreigner. Promises were given that such relief should be afforded. But the hour of fulfilment had not arrived. The most moderate application for the performance of those promises, had been made by the hon. Member for Buckinghamshire. That application had been rejected. Could they be surprised at the strong sentiments of indignation which that refusal had occasioned? He begged to be understood as not entertaining the slightest wish to contribute to the angry feeling that at present existed in the country upon this subject. That inimical feeling, however, clearly justified by the treatment which the agricultural interest had received, was not the source of the greater part of the obstruction experienced by the Ministers. They had a domestic opposition of their own from which it chiefly proceeded. It was from that quarter that they were continually attacked. They were treated by that section of the House like the idols of some savage tribes, or the saints of some Catholic countries hardly less ignorant, alternately worshipped or whipped as the exactions of their votaries were granted or refused. There had been many whipping nights in the present Session. The retrenchment of 6,000*l.* on the abolition of the window tax, the resolutions on the timber duties, the attornies' certificates, were all administered from the same quarter, and in the same spirit. Let the Government ponder on these signs, and reflect upon the consequence of persevering in a system of ruinous injustice towards the great landed interests of the kingdom. Let them beware lest that great and widely-dispersed body of the community, upon whose loyalty and devotion all Governments had hitherto been accustomed to rely for the maintenance of a complicated and unpopular system of taxation, which was the very foundation of our national credit, should be driven to desert them in their hour of need! The true meaning of the word "protection" for which they contended, was neither more nor less than justice. It meant defence against an undue invasion of rights and property, or compensation for partial and undue taxation. On a former occasion, when he had asserted thus much, the hon. and gallant Member for Bradford had interrupted him and said, "Yes, and I ask for justice for my constituents." [Colonel THOMPSON: Hear, hear!] He (Mr. Herries) had as sincere a respect and admiration for the manufacturing interests as the hon. and gallant Member himself could have. No man could estimate more highly the national importance of that great branch of British industry, and the high claims which it possessed upon the gratitude and the support of this country. But he asked for an equal consideration of a still greater department of industry and capital. When the manufacturers boasted of their readiness to abandon all protection from import duties on foreign productions, and insisted on imposing the same condition on the landed interest, they overlooked or wilfully suppressed a material distinction. It so happened that the manufacturer was, under the present relative circumstances of this country and the Continent, enabled to produce the subjects of his industry at a lower price than the foreigner; while the British farmer was prevented, by the burdens imposed upon him, from raising agricultural produce at anything like the same rate as the continental cultivator. This made it as impossible for him to sustain competition, as it was easy for the manufacturer to do without protection. He would ask the liberty of calling the attention of the House to the converse of this state of things as it existed in Prussia, for example. There, matters were just in a contrary position. The Prussian farmer could grow his grain at a much cheaper rate than the British; while the manufacturer could not fabricate his woollen, or cotton, or hard wares upon the same terms as the English. What, then, if the Prussian landowner should come to his Government and say, "We want no protection, we disdain it; take it away therefore from the manufacturer!" But the Prussian Government is too wise to listen to him. It considers that the relative circumstances of each interest is fairly to be considered, and justice to be done to both as component parts of the same country, and having a common interest in its safety and its honour. The Government of this country appeared to forget these diversities of circumstances and claims, and this community of interests among ourselves. It was evident that a great change was taking place in the public opinion. He did not mean among the agricultural classes only, but in all others, whether connected with the manufacturing population or otherwise. There was a manifest reaction. And what was meant by reaction when applied to public opinion? It meant a reverse to truth from error, and false impressions, and that only. He should vote for the Motion.

The CHANCELLOR OF THE EXCHEQUER was glad that his hon. Friend had brought this Motion forward; for he agreed with the hon. Baronet the Member for Marylebone, that the opinions of leaders of parties should be stated in one or other House of Parliament, rather than go forth to the public in answers to deputations and manifestoes published in the newspapers. In that House, at least, opinions could be sifted, statements answered, and assertions tested by reference to facts; and he was quite sure that by having these questions brought forward in Parliament, the public would receive a clearer impression of the true state of the case, and arrive at a juster appreciation of its merits, than when mere one-sided statements were put forth to parties, none of whom had any motive for questioning the accuracy of what was addressed to them. It was true, that latterly much light had been thrown on the views of the great party opposite from what had appeared in the public papers. They had at last come to some definite decision with respect to their opinions; and the noble Lord at the head of the party in the other House had put forward his manifesto of principles, and had unfurled the standard of protection. He was glad that it was so. Earlier in the Session hon. Gentlemen on the other side of the House, had been a little chary in the expression of their convictions on this subject. It was true, that the hon. Baronet the Member for South Lincolnshire had talked of reconsidering our past legislation, to which he attributed the distress existing in some parts of the country; but the hon. Member for Buckinghamshire, the great leader of the party, carefully avoided saying anything about protection in the discussion of the Motion he brought forward for transferring a large portion of the local taxation to other classes than those by whom it was at present paid—a relief, be it observed, which the deputation which lately waited on his noble Friend at the head of the Government scouted as utterly insignificant and unworthy of their consideration, and they gave him to understand that nothing but a return to protection would at all answer their purpose. It was right, then, to know what they were contending for; and the right hon. Gentleman who preceded him had told them fairly, that he conceived the object of Motion was the imposition of a fixed duty of 8*s.* per quarter on wheat. That, then, was the question on which they were to vote that night. It was not a Motion for a Committee of Inquiry into the distress of the agricultural interest, as had been supposed by the noble Member for Stamford, but was a Motion to ask the House to go into Committee in order to consider their past legislation, the object being in that Committee to make the proposal of a fixed duty of 8*s.* a quarter on the importation of foreign corn. Some difference of views had indeed been manifested amongst the hon. Gentlemen who had spoken in support of the Motion. The hon. Member for Somersetshire rather doubted the policy of the hon. Member for West Gloucestershire, who appeared in the somewhat ambiguous character of a free-trader and a supporter of protection. He was of opinion, that there was little use in appealing to the present House of Commons, and that it would be far better to postpone any Motion till they had got a new Parliament elected by an amended constituency, which he hoped and trusted would listen more favourably to the views and arguments addressed to it by his friends. What the precise mode in which this amended constituency was to be attained was, the hon. Gentleman forgot to explain; but he (the Chancellor of the Exchequer) hoped he would do so before the close of the debate. He confessed, however, that he had no fear that the hon. Gentleman would obtain a reversal of the past policy of the country by any Parliament which he could obtain. He believed the greatest benefit had been conferred on the country by that policy; and he did not believe, whatever the hon. Gentleman and his allies might think, that the great body of the people, who had tasted the benefits and advantages of cheap food, was prepared to forego those advantages, or that the constituency of the country would return a body of representatives either in three years, or at any future time, who would reverse it. The right hon. Gentleman who preceded him had very properly declined treating this question as an experiment; and he (the Chancellor of the Exchequer) must say he was a little astonished to see, in the address or manifesto issued by Lord Stanley, that the noble Lord supposed that he (the Chancellor of the Exchequer) had ever used a word or let fall one syllable from which an inference might be drawn that he considered free trade as an experiment. The hon. Member for Wakefield had certainly talked of it as an experiment, and the expression had been used by other hon. Gentlemen on the opposite side of the House; but he disclaimed in the strongest terms for himself ever having used a single expression from which an inference could be drawn that he considered the policy of Government as an experiment. The noble Lord the Member for Stamford talked of "the ripple of the wave;" but he was utterly mistaken if he supposed he saw the slightest indication of a doubt on the part of himself or of his noble Friend at the head of the Government as to the wisdom, policy or justice of the course which had been pursued. The right hon. Gentleman the Member for Stamford had put very clearly, though not very consistently with what fell from himself, what he conceived to be the object of protection. He stated he did not think even the imposition of a fixed 8*s.* duty would be of any great benefit, or materially raise the price of corn; and he (the Chancellor of the Exchequer) must say, supposing the agricultural interests looked for much comfort from their friends, they would, on this occasion, at least, derive very little from the right hon. Gentleman, or from the admission of the hon. Member for Wakefield on that side of the House—far more important than any of those to which the right hon. Gentleman had referred with such apparent satisfaction—that the large importation of foreign corn in 1849 could not have in any way contributed to the alleged distress which had been the subject of two Motions last Session, and of one in the present Session of Parliament. The right hon. Gentleman had argued that, as the English manufacturer could produce cheaper than the foreign manufacturer, he did not stand in need of protection, but as the English agriculturist could not produce corn so cheaply as the foreign agriculturist, we ought to maintain protection on English corn, in order to ensure to the latter a price which would cover the cost of his more expensive production—that was to say, the right hon. Gentleman meant that the price of food should be raised by law to the consuming population of this country. [*Cheers, and cries of* "No, no!"] If that was not his object, let him state what he meant by his declaration, that a protecting duty on the low-priced corn of the foreigner was necessary, because the English agriculturist did not produce his corn so cheaply. He called the withdrawal of protection an injustice. He (the Chancellor of the Exchequer) said it was manifestly unjust and impolitic to raise the price of the food of the labouring population; and the principle on which he and the noble Lord had supported the measure of free trade, when introduced by the right hon. Gentleman opposite the Member for Tamworth, and had since maintained it, was because they believed it undoubtedly the wisest policy, and that which was most advantageous to all interests. It was not as an experiment that this policy had been proposed by the right hon. Baronet, or had been supported by him (the Chancellor of the Exchequer) and his Friends behind him: they had supported it on the one plain principle that it was essentially for the benefit of the large and increasing population of this country to have its main articles of food—its meat and its bread—as cheap as the world could afford them. [*Cheers.*] That was the principle on which the Government supported the free-trade policy; by that policy the Government was prepared to stand or fall; and let him assure hon. Gentlemen opposite, there was not the slightest shade of doubt or misgiving in the minds of himself or of his noble Friend that this policy was just and sound. He did not wish to use one word that could be construed into an insult to the agricultural body, and indeed the right hon. Gentleman had admitted Government gave them at least good words; but it was for the interests of the agriculturist, and for the character of Government, that no false expectation or delusive hope should be permitted to go forth that Government were prepared to change the course they had pursued, or had the slightest doubt as to its wisdom and its prudence. He did not think it inconsistent with that opinion to lay before the House the reasons for thinking the present prices of corn were lower than the permanent range of price was likely to be, and that they could not be solely or even principally attributed to the influence of free trade. He would appeal again to the authority of the hon. Member for Wakefield, whose speech had that night been received with such unanimous cheers by hon. Members on the other side of the House. Last year there were two Motions brought forward by the hon. Gentleman opposite the Member for Buckinghamshire—one for the relief of the burdens on land, and the other on the state of the nation. Both those Motions were grounded upon the allegation that the importations of foreign corn had unnaturally and unduly depressed the price of home-grown corn, and had thereby produced great agricultural distress. Well, what did the hon. Member for Wakefield say on that point? He said that the importations of foreign corn, last year, were not more than sufficient to supply the deficiency arising from a bad harvest and the failure of the potato crop in Ireland—that it was God's mercy the corn came in time to prevent starvation—and that, so far from that importation depressing unduly the price of agricultural produce and the condition of the labourer, it was the greatest boon that could have been conferred upon the country, in order to obviate the evils which would otherwise have risen from a deficient harvest and the failure of the potato crop. Upon the showing, then, of one of their own principal authorities, notwithstanding the constant allegation of hon. Gentlemen opposite, that the importations of foreign corn had occasioned agricultural distress, it appeared that they had nothing whatever to do with it; and the whole argument, therefore, on that branch of the case had entirely fallen to the ground, if they gave any weight to the opinions of that hon. Member, to whose authority on the price of corn they so constantly appealed. The hon. Gentleman had also stated that, there having been a good harvest last year, the importations had considerably fallen off. That was another proof that the present prices were not occasioned by foreign importations. In fact, that argument had been utterly destroyed by the hon. Member for Wakefield. [*Cries of* "No!"] Those hon. Members who cried "No" had not, perhaps, heard the statements of the hon. Member for Wakefield, having come into the House since dinner; but he was satisfied that those who had heard that Gentleman's speech would concur in what he (the Chancellor of the Exchequer) had just stated as to the effect of his admissions. The hon. Gentleman had in another part of his speech compared the average price of a year with the temporary price of a week. That was not a fair mode of making a comparison. He (the Chancellor of Exchequer) would take the average price of wheat for the year 1849, as compared with that for the year 1835. In 1835 the average price was 39*s.* 4*d.*, while in 1849 it was 44*s.* 3*d.*, being 4*s.* 11*d.* higher last year than it was under an exclusive system of protection. Surely that was enough to show that it by no means followed that the importations of foreign corn had produced the present low prices. The hon. Gentleman had quoted various statements from different parts of the country, with the view of showing that there had been no such rise of price as had been stated. He attached little importance to statements as to particular places, and many of them of old date. He would read to the House a short paragraph from a publication whose authority hon. Gentlemen opposite would not deny—he meant the *Mark-Lane Express* of Monday:—

> "Wheat is now worth from 4*s.* to 5*s* per quarter more than it was a month ago, and other kinds of agricultural produce have participated in the improvement. As the rise has been general, and nearly to the same extent at all the principal towns, it is unnecessary to refer to particulars."

Nor was this owing to any speculative demand, for they proceeded to say—

> "We may, however, remark that purchasers have manifested considerable caution, and that hitherto there has been little speculation in the usual acceptation of the term."

It was thus obvious that there had been during the last month a rise of price in the case of wheat to the extent of 4*s.* or 5*s.* He would not trouble the House with the quotations in the cases of barley and oats. He would merely state that they also had participated in the advance of price, although not to the same extent as wheat. His hon. Friend the Member for Westbury had shown that an almost equal rise had taken place on the Continent; that the demand there was greater than usual at present, owing to the shortness of the stocks on hand. The same thing was true as regarded the United States. By the most recent accounts from New York, it appeared that the price of wheat there was 44*s.* 9*d.* per quarter, which, taking the freight into account, would bring its selling price in this country to little short of 52*s.* per quarter. His hon. Friend had also stated grounds for believing that owing to the exceedingly good harvest of last autumn there had been a much larger quantity of British wheat brought to market within the last six months than in the corresponding six months of last year. Surely that must be allowed to have some effect in lowering the prices. Hon. Gentlemen opposite had spoken much of distress, and Lord Stanley, in his manifesto, had stated that the existing distress was pressing upon every portion of the community. Now, he (the Chancellor of the Exchequer) did not mean to dispute that in many parts of the country agricultural distress did prevail; but he defied any hon. Member to stand up in that House and bring forward proofs that distress was pressing upon all parts of the community. He emphatically denied that such was the fact. Who would get up and say that the manufacturing districts were suffering the slightest distress? He begged then to look to the facts. The same allegation of general distress was made as strongly month after month last year. It was the foundation of the Motions of the hon. Member for Buckinghamshire last Session, and had existed, according to his representations, for upwards of a year and a half, and up to the present time. Early in this Session he (the Chancellor of the Exchequer) had taken the opportunity of stating the amount of poor-law expenditure and the number of persons relieved. He stated that the poor-law expenditure for the year ending the 25th of March, 1849, was less than that of the preceding year, and that the poor-law expenditure for the half year ending Michaelmas, 1849, was less than for the corresponding half year in 1848. But he felt that the amount of expenditure was not of itself conclusive, because it might be said that it had arisen from the low price of corn. He took, therefore, the number of persons relieved, and showed that, comparing the number relieved on the 1st of July, 1849, as compared with those on the 1st of July, 1848, and the number on the 1st of January, 1850, with the number on the 1st of January, 1849, there had been a considerable diminution at the latter period. But a noble Lord in the other House (the Marquess of Salisbury), not content with that statement, moved for a return showing the state of matters up to the middle of February; and what had been the result? It exactly corresponded with what he had stated before as to the diminished amount of relief. The noble Lord the Member for Stamford had said that there had been a great increase of pauperism in the midland counties. Well, he would take the three counties with which the noble Lord was most connected — namely, Leicester, Northampton, and Rutland, which would fully answer, he thought, the noble Lord's description of the midland counties; and what did he find? He found from the Marquess of Salisbury's return, to which he had just referred, that in the second week of February, 1849, the number of persons receiving relief in the county of Leicester was 18,731; and for the same week in 1850, the number was only 15,715. With regard to Northamptonshire the numbers were for the same periods 15,885 in 1849, against 15,530 in 1850, and with respect to Rutland 1,410 against 1,292. So that in each of these three counties there was, according to the latest return, a diminution, and not an increase, of the number of persons receiving relief. He would not trouble the House with the other counties. [*Ironical cheers.*] Well, he would take one other county—the county of the hon. Gentleman who cheered so loudly—namely, Suffolk—and he would take the favourite year of hon. Gentlemen opposite (1847), when the price of corn was high; and what did he find? He found that in the second week of February, 1847, the number of persons receiving relief in Suffolk was 30,329, and in 1850 the number was 29,319. He would not detain the House with going over all the counties; but he was ready to meet any hon. Member who should challenge his statement with regard to any particular county. But, said the noble Lord the Member for Stamford, there was not only distress in this country, but the distress in the sister country was still greater than here; and in confirmation of his statement he read an extract from, he believed, the correspondence of a morning paper. It was a good thing to be able to produce facts in place of assertions. It so happened that the returns received from Ireland were up to a more recent period than those with regard to England. The last return he had received was up to the middle of April. From that return it appeared that the total number of persons receiving relief in Ireland in the week ending the 14th of April, 1849, was 815,829; while in the week ending the 13th of April, 1850, the number had fallen as low as 338,897, being a net decrease of 476,932, or more than the whole number now receiving relief. But the noble Lord said that the distress was increasing. Why, notoriously in Ireland, when the spring employment was over, there was always distress; but, comparing the week ended the 14th of April, with that ended the 7th of April, 1850, there was a diminution in the numbers relieved of upwards of 6,000 persons. He thought, then, that he had shown that in the selected counties of the noble Lord, and in the sister kingdom, the statements of the noble Lord were not borne out by the facts. It was very desirable that these assertions should not be met by mere counter assertions, but by facts that were undisputed and indisputable. But there was another test of distress, one to which his right hon. Friend the Home Secretary had alluded in a recent debate —he meant the state of crime. Now, there was, as his right hon. Friend had then shown, a considerable diminution in the number of commitments for trial in 1849, as compared with 1848. He did not mean summary convictions, but commitments for trial at assizes or sessions. The committals for trial at Epiphany sessions, 1849, were 4,443; at Epiphany, 1850, they were 3,980. The next gaol delivery was at the Lent assizes. The number of commitments for trial at the Lent assizes in 1849 was 2,805, while at the same period in 1850 the numbers were 2,558, showing a decrease of 247, or nearly nine per cent. Then as to the number of commitments for trial at the Easter sessions, 1849, they were 2,334. In 1850 they were at the same period, 2,007, showing a decrease in the commitments of 327, or fourteen per cent. Now, surely this was a most satisfactory statement to make to the House. It was quite notorious that the diminution of crime was a proof of increased employment and prosperity. Next as to revenue. The revenue for the year ending April, 1850, as compared with 1849, excluding the corn duties, showed a slight decrease in the Customs duties; but that was entirely owing to the extraordinary importation of foreign sugar in the preceding year. But there was an increase upon the Excise, the returns of which, for 1849, were 13,932,000*l.*; for 1850, 14,002,500*l.* There was likewise an increase upon each of the items of stamps, taxes, and income tax; which fact was quite irreconcileable with the existence of general distress. He was still more happy to be able to state that, during the month, from the 5th of April to the 5th of May, the same improved appearance still continued. Then, so far as employment was concerned, let them take the exports for the first three months of this year, as compared with the corresponding period of 1849 and 1848. The value of the exports in 1848 was 11,684,000*l.*; in 1849 it was 12,822,000*l.*; in 1850 it was 14,000,000*l.* These exports are produced by the labour and employment of the people of this country, who, in addition to having good wages and employment, had the advantage of cheap food. Surely this afforded a strong argument against the existence of general distress. Of these exports he would mention one article of agricultural produce—wool. Taking the exports of wool for the last three years, in the first three months of each year they showed the following results: — In 1848, 1,750,000 lbs.; in 1849, 2,080,000 lbs; in 1850, 2,162,000 lbs. That was an instance of a very largely improved demand for agricultural produce. There was also an improved demand for both corn and stock. Indeed, he believed the price of stock as well as of corn had been mainly kept down by the quantity produced at home. The reports of Newcastle market, for instance, state that the stock, both beasts and sheep, brought there had been gradually increasing during the past four years; and, at the same time, he should observe, that the importation of foreign cattle had diminished. He would detain the House by no further statements at that late hour. He was glad this question had been fairly brought to an issue. He was glad that they were about to express an opinion upon what Lord Stanley had called "a mistaken and insane policy." There he joined issue with the noble Lord. He (the Chancellor of the Exchequer) believed that policy to be a proper, a wise, and a just policy; and it was one by which they were prepared to stand or fall. He believed that so far from sowing dissension, as the right hon. Gentleman had said, between two classes of society, that policy was essentially necessary for binding together all classes of the community. He believed that by it peace had been hitherto preserved. He did not mind the violent language that had been used at public meetings. He was not afraid of farmers mounting their horses and riding down their fellow-citizens. At those meetings gentlemen talked together until they brought themselves up to fever heat. He did not think it very wise language to use; but he was not the least afraid of its being put into execution. But what he did believe was, that the policy which had been pursued was essential for the maintenance of tranquillity and good feeling in the country, and that no other policy could tend so much to maintain permanently those valued institutions which they must all desire to maintain.

Mr. DISRAELI: Sir, I can assure the House that at this late hour of the night it is not a very agreeable task to me to be obliged to address it. But after the observations of the right hon. Gentleman, in which he has described so freely the assumed policy which would be pursued by those with whom I act, I think I may, before the division is called, at least be permitted to place before the House a more correct perception of the course we should approve of. This Motion has come upon myself somewhat unexpectedly, and I should think that that was the general feeling of the House. The Motion is, "That this House will resolve itself into a Committee of the whole House to take into consideration the Acts relating to the importation of foreign corn." Now, Sir, this is not the first occasion upon which I have found that notice upon the table of the House. It is not four years ago that an identical notice was placed on the table, the object then being to propose, if we resolved ourselves into a Committee of the whole House, that the repeal of the laws which then regulated the importation of foreign corn should be passed by the House of Commons. Sir, I need not remind the House of the lengthened debates and ample discussions—of the fiery struggle that took place upon that occasion. I had the honour of voting, on every occasion when the question was brought before the House, in the minority—one not contemptible in number, though not ultimately successful in the object for which they struggled. In the majority I find the name of the hon. Gentleman who proposes the resolution now before the House. A Whig Member—a Member for a county—a Member of an ancient Whig family—a supporter of the repeal of the corn laws—one of the triumphant majority before whom we fell—after less than four years' experience, feels it to be his duty to move that the House of Commons should form itself into the same Committee as was proposed less than four years ago, but with an object very different, and for a purpose quite contrary. But when that Member for a county, who voted for a repeal of the corn laws, to-night made this Motion, what followed? Why, Sir, a Member for a borough—a liberal Member, but a Member for a town—seconded the resolution. [*Cheers, and* "No, no!"] Most decidedly it was seconded by a Member for a borough, who sits upon that side of the House. And, therefore, when a proposition of this kind is made by a county Member on that side of the House, and seconded by a borough Member on that side of the House, all that I can recognise is the act of repentant free-traders. I cannot suppose for a moment that any caprice could have prompted the Gentlemen who have taken this step to solicit the attention of the House of Commons to so grave a subject, and, in the presence of so many Members on both sides, to have submitted their views upon the question. There was, indeed, an hon. Baronet who taunted these benches in an early part of the evening because they were so thinly filled; but I may observe that I have seldom at that particular period of the evening seen the benches more fully occupied. But I have no doubt that had hon. Gentlemen known that the hon. Member for Marylebone was about to address them, the attendance at that time would have been more ample. Unquestionably, then, the hon. Gentleman who has made this Motion would not have taken such a step; and a Member for an Irish borough, a Gentleman entitled in every way to our respect, would never have come forward to second it, and thus give voice to long suppressed feelings upon the benches opposite, had they not known from their own experience, and from public report, that both this country and the sister isle were in a state of great distress. The right hon. Gentleman the Chancellor of the Exchequer—who, not content with repeating the speech he made the first night of the Session, has also repeated the speech of the hon. Member for Westbury—has, entering into considerable details, taken the usual tests of the poor-law, of the criminal returns, and of the revenue, to show that the working classes are not suffering at this moment. But you may have great distress in the country without the working classes suffering. No one will deny that the farmers of England, the most considerable portion of the middle classes, are suffering; and no one can be surprised that they are suffering if the estimate of the hon. Gentleman the Member for Wolverhampton be correct — that they have lost more millions than California has produced. But we have had to-night a frank admission of great distress by the hon. Member for Westbury. He says there is no doubt of the existence of great distress; that it is confined to the middle classes, not of the agricultural body merely, but of towns like Manchester and Liverpool —"especially," he said, "among the great towns of the north." It seems that those important communities have been guilty of great imprudence; investments in railways, it would appear, have ruined the north of England; yet let me remind the House that the expenditure in those railways afforded the speculative data upon which those laws were repealed, which have consummated the agricultural ruin of the country. But if it be a fact, as we are told by hon. Gentlemen opposite, that the portion of the middle class connected with agriculture have recently incurred a loss quite unprecedented; and if it be a fact, as we are also told, that the other section of the middle class not connected with agriculture have incurred losses very considerable, what must be the inevitable consequences upon the labouring classes, to whose still limited and fast-vanishing means you are now forced to appeal as your only evidence of the prosperity of the country? If the House will permit me, I will now frankly express my opinion upon the Motion before us. It is not a Motion of which, if I had been consulted, I should have recommended the introduction; and I will fairly tell the House why. My objection to it is that it is of a partial character —that it is asking us to take into consideration the interests of one class only. However just may be the claims of that class, I would rather we should have been called upon, at the right time, to take into consideration the state of all the other classes of the country, than that we should be asked, inferentially, to legislate for the advantage of one only. We have heard to-night a great deal more than we have of late heard from the other side of the House upon what is popularly called "protection;" and the right hon. Gentleman who has just addressed the House, assuming that we mean by the word "protection" what in fact we do not mean, has delivered himself of a violent invective against a phantom of his own creation. Now, I will tell the House, if they will permit me, what we do mean by "protection," for I have no wish to change the word now popularly accepted among us. I look upon this as a fact, that the legislation of the year 1846 was the foundation of a new commercial system. I know it is a convenient fashion, in debate upon economic subjects, to treat the legislation of 1846 as the completion of the legislation of 1842. But I find in the two schemes features of the most contradictory and opposite character. In the legislation of 1842, I recognise a wise effort to expand our commercial relations upon scientific terms of interchange, so that the labour of this country should not be brought into fatal and fallacious competition with the labour of other countries: at the very moment that those measures were brought forward, the great feature of which was that the commercial interchange between countries should be balanced by countervailing duties, efforts were made, in perfect unison with that wise policy, to induce foreign nations to enter into commercial treaties and tariff regulations with us. That policy announced that, while we were ready to open our ports to all the world, we were resolved that strangers should not come in and enjoy our markets, unless their markets were equally free to us. But all these principles were entirely discarded in measures which I really believe to have been fatal and insane, to quote the expression thrown into the discussion by the right hon. Gentleman, in the legislation of 1846. You then commenced the system of allowing free imports to come into this country from countries which met you with hostile tariffs; and, in my mind, you then took a step most injurious to the rights and interests of labour in this country. That is to say, the English producer not only had to give his articles of production in exchange for the foreigners' articles, but he had also to pay a duty on the admission of his productions into the foreign market. In fact, he paid tribute, and does pay tribute, to the amount of the duty imposed upon him. I maintain, then —and it is the object of Gentlemen who sit on this side of the House to maintain —that the real principle of protection, as a general rule, is, that free imports shall not be received from any foreign producing country which, by hostile tariffs, refuses to put our producers upon equal terms. That is a plain principle. I call that the principle of protection to native industry; and it can be supported not only as high policy, but defended as scientific truth. Now, if I look to the Motion of the hon. Member for West Gloucestershire in this view, on which it is proposed to found a duty upon the importation of foreign corn, I find, as far as principle is concerned, that he is justified on every principle of economic science in proposing such a measure; but when I lay that down as the general principle upon which the commercial code of this country ought to be established (as the only principle upon which a commercial code can be established, which is just to the rights and interests of British labour and native production), I find, with regard to those articles to which our attention is particularly called—the importation of foreign corn—that there are exceptional circumstances which solicit our notice. It may be said, "If you take as the principle of your commercial code, that every foreign country shall send its imports free here, and we receive them free, are you prepared to let any country send its corn here free who will receive our manufactures free?" Now, Sir, I am not prepared to do that, unless I can find consideration of the interests of the agricultural producer met by hon. Gentlemen opposite in a fairer spirit. In my opinion, there are peculiar burdens upon the cultivators of the soil, from which all other producers are free. It has been calculated by men of great eminence, by political economists, to whose works Gentlemen opposite perpetually refer, that a fixed duty of 8*s.* is what the agriculturist has a right to expect as a countervailing duty from the State, in consequence of the peculiar burdens to which he is liable. Now, I am not one of those who would wish the agriculturists to be compensated in such a manner. I had rather you would settle the question of these peculiar burdens as I have indicated they ought to be settled—that you should make that fair adjustment of taxation to which, depend upon it, you must and will be brought—that you should say, "It is not a just thing to go on as we have—one-third of the income of the country paying for the remaining two-thirds, which goes scot free." This, Sir, is now a matter of general—nay, universal—interest; but if you will not be just—if you will persist in a system which makes the tiller of the soil repair your roads, support the poor, build vast establishments for the reception of the infirm and lunatics of the community, out of his hard-earned gains, then we have a right to come to you and say that, "having placed us in competition with all the world, you can no longer postpone the question of deciding whether we shall be sustained by those burdens being taken off, or by giving us a countervailing duty." Then, Sir, I may be asked, "Do you suppose that the community can be taxed for the advantage of a class?" Why, I say, that to tax the community for the advantage of a class is not protection; it is plunder, and I entirely disclaim it; but I ask you to protect the rights and interests of labour generally in the first place, by allowing no free imports from countries which meet you with countervailing duties; and, in the second place, with respect to agricultural produce, to compensate the soil for the burdens from which other classes are free by an equivalent duty. This is my view of what is called "protection;" and it is because I believe it is founded in justice—because I believe it can be supported by scientific argument—because I have never heard the positions satisfactorily refuted — because (above all) that a commercial system founded upon such principles would, I believe, very much increase the prosperity of the country, and tend to terminate that misery which is partially acknowledged by every Gentleman in this House, that perilous position of the great middle class which more than one Minister has admitted, I am an advocate for protection, and for a commercial policy founded upon those principles which have been, and will again ere long be, recognised by the country. And there is an important corollary to these considerations to which I would briefly call attention. On the principle that no State should send its imports free here which will not receive ours freely too, you will derive the greater portion of your revenue from customs duties. There may be a question as to the degree in which the foreigner may pay a portion of your customs duties; but no man of a temperate order of mind will, I think, be found to maintain that the foreigner pays no portion of it. I think that, under the circumstances to which my right hon. Friend has referred—such, for instance, as a fixed duty of 5*s.* on corn—the foreigner would pay the whole; but I don't believe that, under any circumstances, it would happen that the foreigner would not contribute some portion to the Treasury of this country. But what portion does the foreigner contribute of the revenue which is raised by inland taxation? And that is the reason why our lamented leader, Lord G. Bentinck, laid it down as a great principle of policy, that in all our attempts to relieve the community, to increase the means of employment, and diminish the burden of taxation, we should attack the Excise, and not the external revenue, which must be partially contributed by the foreigner. You have for years been acting upon the contrary principle, the necessary consequence of those fallacious assumptions which have been the foundation of your policy; but if the fiscal intelligence that presided over our Exchequer some years ago had directed its power and attention to our inland revenue, our inland revenue probably would not at this moment have existed. It might have vanished, as it were, with the exception of one or two taxes which would gradually have lapsed as our surplus revenue justified alterations; whilst the labour of the English people would have got rid of the burdens which are contributed entirely by themselves. This is the reason why the people of this country have always connected the rights and interests of labour with the revenue raised from customs duties; and, instead of revenue raised from customs duties being founded upon a principle odious to the people, it is founded upon a principle favourable to their interests, because whatever is raised from the foreigner is more welcome than that which is absolutely wrung from the native producer. I think that foreign corn should contribute, like all the productions of foreign labour, to our Treasury; but at the same time I should deplore any legislation, so partial and limited, upon such a subject as the reconstruction of our commercial code. I wish that question to be brought before the House upon its broadest basis; but when I am taunted with not bringing it forward, I am taunted by those who consider the question only with regard to the interests of parties, the chances of a good division, or getting up a temporary cry in the country. I never will be a party to such conduct. However I differ from the policy of 1846—however I may deprecate and deplore it, I do not suppose you can, like a capricious woman, in a year or a year and a-half, turn round and rescind all you have done. No; I have said it before; and I repeat my conviction, that no vote of this House can decide, with any satisfaction to the people, the great question in which are concerned the rights and interests of labour. It is by sharp experience—by the distress which is recognised and described by the hon. Member for Westbury among the middle classes—it is in the trouble and travail which await them—it is in the suffering of the nation that the salvation of the people must be found. These are the views that have influenced me throughout this question; and, called upon to-night to vote for a Motion which, though limited in its character and partial in its results, is founded upon scientific truth, and conducive to the prosperity of the realm, I cannot do otherwise than record my support in its favour.

Mr. COBDEN said, he would not delay the House more than a few minutes; and he must confess at once, that he felt himself labouring under that sort of mental illusion which seemed to be shared with him by hon. Gentlemen opposite, for he was not sure that he understood the definitions of the hon. Gentleman who had just sat down. He endeavoured to follow the hon. Gentleman, with some experience too of the question, and some practice in following a debate; and he would try and put clearly before the House what the hon. Gentleman said with regard to the principles which he now advanced in that House. The hon. Gentleman began by saying that the policy pursued with regard to their legislation in matters of trade in 1846, was quite different from that which had been pursued previously; that in 1842 the principle which they followed was one of reciprocity. Now he could not allow the hon. Gentleman to occupy that ground, for since 1823, when Mr. Huskisson commenced the policy of free trade by reducing the duty on ribbons, gloves, and silks—when free trade was popular in high quarters whilst they were only dealing with articles of French luxury—from that period to the present time, with the exception of a conditional clause in the navigation laws, there was not a single stipulation for reciprocity in any measure of commercial legislation which had become law in this country. But the hon. Gentleman, starting from that point, led them on to the ground which he professed to occupy, namely, that he was a free-trader if they could have reciprocity with foreign countries. Now the hon. Gentleman's definitions of protection and free trade differed in some respects from those of the right hon. Member for Stamford—and would not harmonise with those put forward by

Lord Stanley. And from the silence and gloom which prevailed amongst hon. Gentlemen opposite, he thought the mystery penetrated to them, late as it was, and that they saw the danger of the position which their leader was taking up. The hon. Gentleman advocated reciprocity, but he made an exception in favour of agriculture. He said, "Let us have competition with the needlewomen, with the shirtmakers, the shoemakers, and with every branch of domestic industry, only let us have a special exception with regard to agricultural produce, and I will be a free-trader like the rest." ["No, no!"] He (Mr. Cobden) hoped there was no fallacy or misrepresentation in what he said. The hon. Gentleman said that he was for free imports, provided an exception was made in favour of agricultural produce. Now, he wanted to know of what use that would be to the needlewomen and the other classes for whom they professed to have so much sympathy? What compensation would it be for the needlewomen that the French, Germans, and Belgians, took their woollens, cottons, and iron, duty free, if the commodities which they made were subjected to competition? The effect would be, that they would ensure a larger importation of those by the plan of the hon. Gentleman than by the other course. But the hon. Gentleman said that if he were allowed compensation for the burdens on land, he would apply the same principle to agriculture also. But did the hon. Gentleman find that principle in any of the resolutions lately passed at the meeting of which they heard so much? Was it not there laid down that without protection the farmer could not carry on his business, and could not compete with the foreigner? The tenant farmers were not now so blind with respect to the incidence of taxation as not to know the truth of what the hon. Gentleman stated at Marlow—that it was one thing to tax the land, the raw material, and another thing to tax the capital and industry employed upon it. The hon. Gentleman would therefore find himself much mistaken if he thought the farmers would be satisfied with the kind of compensation which he now proposed. And what a clumsy process was that of the hon. Gentleman, because he now proposed not only to take the tax from off the land, but he proposed to take it from real property of all kinds, mills, railways, &c. And that was the compensation he proposed to the farmers! The hon. Gentleman seemed to be at variance with the right hon. Gentleman the Member for Stamford, for the right hon. Gentleman said that they could not protect manufactures, because manufacture had arrived at that point of superiority by the application of skill, energy, and capital, that it did not require protection. The manufacturers could send the produce of their looms and spinning frames to Germany with a duty of 30 per cent, and to America with a duty of 20 per cent against them, and still beat them in their own markets. But the hon. Gentleman went further, and said that he objected to the Motion because it did not include manufactures and all kinds of domestic industry. The hon. Gentleman found fault with the partiality of the tax; but the right hon. Gentleman the Member for Stamford, with more frankness, admitted that they could not be impartial—that if they were to protect any interest, it must be that interest which is unable to compete with the foreigners at our own doors, after paying for the cost of freight; whilst the manufacturers were able to beat their competitors in their own markets at a disadvantage of from 20 to 30 per cent. The scheme of the hon. Gentleman was too transparent as regarded the farmers not to be found out by them; but he proposed to make it acceptable to the country at large by including the stuff manufacturers of Bradford. But the manufacturers laughed at the hon. Gentleman when he talked to them in that way. They would not be caught in a partnership with the hon. Gentleman when the question was to put a tax on the price of bread. There was not an operative in Lancashire or Yorkshire, still less in Scotland—there was not a linen weaver in Ireland who would not laugh at such a proposition; and, therefore, he said of the Member for West Gloucestershire—"I wish you joy of him." If they gave him the picking of that side of the House to make them a present of one of his colleagues, he would present to them the hon. Gentleman. Yes, and therefore the hon. Gentleman the Member for West Gloucestershire had done right in coming forward frankly and honestly, and flinging everything about cotton and hardware overboard, asking for a tax upon bread. The hon. Member for Paisley deserved the thanks of the House for giving the direction to the debate which it had taken. He was followed by the hon. Member for

Wakefield, who made a speech in favour of protection, but was going to vote against the Motion. Let the hon. Gentleman take courage and vote also. But he would repeat now what he had said before, that it was discreditable in them, some of whom were at least supposed to have an interest in the price of cattle and corn, that they should be spending their nights in discussing the price of corn. It was astonishing what long habit would reconcile them to. What would the House say if his hon. Friend the Member for Manchester were to bring forward his last stock-taking, and to show how unprofitable was the sale of yarns, in which he dealt rather largely. This showed how much more they were at home at Mark-lane than on the Exchange. If he had talked of the low quality of wheat, they would not have thought the allusion at all astonishing. Had the hon. Member for Manchester shown how small a margin of profit there was as regarded cotton, that would have been considered derogatory to the character of the House: that the House did not perceive that the same mode of dealing with corn was equally derogatory, only showed how long they had been following a bad habit. He maintained that they had nothing to do with the price of corn. He would not say that he had reckoned on corn being so low. What he had always asked was, that the price of corn in this country should always be the natural price of the world; and then if it were 35*s.*, 40*s.*, or 45*s.*, he should be perfectly satisfied. It was said that this was an experiment. He, or the people, had never regarded it as an experiment. He argued that the advantage of a low price of corn in this country must be tested altogether by facts and experience. He was not going into the facts. The right hon. Gentleman the Chancellor of the Exchequer had in his able speech said all that need be said on that subject. The right hon. Gentleman had access to statistics, and he had brought them down to the latest time, and by the facts which he had brought forward would this question be judged. If hon. Members opposite wanted to re-enact the corn law, they must deal with those facts; and, if satisfied that facts were on their side, they would court inquiry. Was it true, or was it not, that with a moderate range of prices for the first necessaries of life, crime had decreased in magnitude and quantity? He would not confine himself to the manufacturing districts, or to the quarter-sessions of London, the chairman of which had stated that the low price of food had tended to diminish crime. In the rural counties of Berkshire, Wiltshire, and Hampshire, there had been noticed at the last quarter-sessions a diminution of crime. In the rural towns of Devizes, Salisbury, and Winchester, there was not a single prisoner for trial at the last sessions; at Andover there was only one. Was it true that the revenue had increased in consequence of the moderate price of food? Was it true that the exports had increased—that the gold in the coffers of the banks had augmented? Then, he said, unless they were advocates for an increase of crime, an augmentation of pauperism, a diminution of exports—unless they were advocates for increasing misery and want amongst the people, hon. Gentlemen opposite would not dare to propose to that House another corn law. Would they escape from their dilemma by saying that the House was not prepared to reverse its former decision? He maintained that that House followed pretty closely any change which took place in the opinions of the people. Defective as was the representation, if any great change of opinion took place out of doors in the third year of its existence, that House speedily responded to it. But how could hon. Members produce a change except by discussion? Could they not speak from the lofty pedestal of that House to the whole country? In every journal they had an advertisement to make known their arguments: would they fail to avail themselves of such an opportunity of appealing to the country? An hon. Member had said that it was of no use to move, because they (the protectionists) were in a minority. How were majorities created in that House, if not by discussion? If hon. Members opposite would not discuss the question, it was because they knew that facts and experience and arguments were all against them. ["No, no!"] Well, then, if they had facts, and arguments, and experience, on their side, what miserable debaters must they be! He had always considered it his duty to advocate an opinion which he conscientiously held in the face of majorities; and they (the protectionist Members) might depend upon it—he said this for their encouragement—that, generally speaking, truth was in a minority; and, therefore, if they would set about discussing the question, having facts, and argument, and experience, on their side, they would be victorious. But they talked of waiting for a dissolution. Was it true that farmers were suffering that distress which they (the protectionist Members) said they were? He would suppose that it was; and yet they told them to fold their arms. They told them to submit to a state of paralysis, so far as their own pursuits were concerned. He must take it for granted that in telling the farmers to wait for a dissolution, as that which would restore protection, they did not tell them to prepare for competition with the foreigner. They were to wait three years for a dissolution, with the certainty of being ruined in the meantime. The landlords did not appear likely to take any steps to enable the farmers to pass through the ordeal. Would it not be better if, instead of letting the farmers wait till the House reversed its decision, and in the meantime to do nothing, landlords were to share their sufferings? The right hon. Member for Stamford, who had taunted him with proposing to reduce the expenditure to the extent of five or six millions —about enough to relieve farmers from the burden of the malt tax—had held out a sort of shadowy offer of collusion with the Government, implying that his side of the House would get them out of their difficulties with regard to the budget and the renewal of the income tax, if they would disregard the free-traders. Talk of a dissolution! He challenged them to return a Member in favour of protection for any borough in the kingdom having a population of twenty thousand. A great parade had been made about the people being interested in the question. Did hon. Members remember that not more than one in six of the adult males of this country had a vote; and would it be wise in them, on the question of the people's bread, to bring on their backs the question of the representation? Even if they obtained a numerical majority, did they think that the two Members for Stamford going into one lobby would be allowed to count for the same as the hon. Members for Finsbury, Marylebone, or the Tower Hamlets? No, they knew they would not. They must not be under the impression that he was afraid of a dissolution. [*Cries of* "Question!"] That was the question. As he understood the matter, hon. Gentlemen opposite were going to hang up this question for a dissolution; and too much had been said on that side of the House, and by the press, to show that they (the free-trade Members) were afraid of a dissolution. Representing a constituency of a million and a half—not a very bad test —he invited that event. If hon. Members were really sincere in their professed wishes for a dissolution, they should support a Motion for triennial Parliaments. If they really desired that the people should have an opportunity of deciding the question, they should vote for an extension of the franchise. By hanging up this question for a dissolution, at the end of three years, they would ruin the farmers by paralysing their energies; and if Parliament should be dissolved on the question, they would be doing their best to bring about the most democratic revolution in this country that could possibly be conceived.

MR. NEWDEGATE said, the hon. Member for the West Riding had appealed with great confidence to the result of a dissolution. Now, he wished to ask the hon. Member whether the following words attributed to him, had been or not used by him in a speech which he had made not long since in Sheffield?—

> "I am told, upon very good authority, that let a dissolution take place next year, and 90 at least out of 105 Irish Members would come up pledged to restore the corn law. Again, let the English landlords enter this unholy alliance with the bankrupt, beggarly, degraded landlords of Ireland, and become themselves equally degraded in the eyes of the world, and I mistake the temper of Englishmen, especially of Yorkshiremen, if you do not make such an example of these conspirators as will make them regret the day they ever attempted it."

Thus spoke the hon. Member of those who desired a dissolution. He asked if that language was consistent with what they had heard from the hon. Gentleman in the House that night? He believed the hon. Member had spoken the truth at Sheffield. The hon. Gentleman showed an excessive anxiety for discussion in that House, and spoke of the propriety of a discussion being carried on by a minority. But he forgot that he had himself told his constituents at Leeds that he only wasted his time in that House—that it was useless for him to discuss his proposition for financial reform there, unless it was taken up and discussed in meetings throughout the country. They (the protectionists) were following, therefore, the example of the hon. Gentleman; and if they did not at this time promote divisions by the introduction of their measures, it was out of deference to those who show that their opinions were changing upon this question. ["Divide!"] He appealed to the House whether the statement made by the hon. Member for the West Riding (Mr. Cobden) at the same meeting with reference to the measure of 1846 was not doubly true now, that a large number of the majority were voting against their convictions. ["No, no!" *and* "Divide!"] The hon. Gentleman told his constituents that he could not find in that House 200 men who voted heartily for the repeal of the corn laws; and, as to the Upper House, he said he had gone through the list, and could not find twelve men who voted heartily for the measure. And if that was true of 146, no one, after hearing the admissions of hon. Members opposite, could doubt that it would be doubly true now of the majority (if there were one) against the Motion of the Member for Gloucestershire to-night. The hon. Member used two languages — one language in the West Riding, and another in that House. The hon. Gentleman endeavoured to find some fanciful differences between the arguments used by the hon. Member for Buckinghamshire and the right hon. Member for Stamford; because the hon. Member for Buckinghamshire had advocated protection on the grounds of reciprocity, of equality of the terms of the interchange of commodities between this and foreign countries, and on the ground of special burdens; while the right hon. Member for Stamford had advocated protection to native industry on the ground that each nation ought to adapt its laws to the special circumstances and requirements of its own people. The hon. Member for the West Riding declared on his own part and that of those who followed him, that the manufacturers will have corn imported free, that it may be as cheap in England as in the cheapest country of the world: no matter what are the consequences to others, we will have free imports, said the hon. Member. Did he represent all the manufacturing classes? Did he represent the manufacturers of the silk trade, for instance? In his published letter to Mr. Prowse, last autumn, he said that the silk manufacturers were ready to give up their 15 per cent protection. Had he consulted the manufacturers of Coventry and Macclesfield? He (Mr. Newdegate) was confident that the hon. Member had not, or that he knew the silk manufacturers would not agree to such a proposition, but concealed his knowledge of that fact. Was it likely the silk manufacturers should agree to such a proposition, when the hon. Member, in the same letter, cited the reduction of the duty on calico prints, in which trade he had been engaged, and confessed the injury that reduction had inflicted, the best proof of his sense of which consisted in his having quitted that trade? The hon. Member represented, then, only a section of the manufacturers, the section of a class who were determined to sacrifice their neighbours for their own advantage, without consideration for the relations of this country to foreign nations, or the internal circumstances of this country itself; but he differed from both the Member for Bucks and the Member for Stamford in this, that he urged the blind application of the principle of unrestricted imports, without reference to the policy of other countries, and without any consideration of the state of the people of this country, and this for a class purpose, for the benefit of certain manufacturers, to the injury of the industrial classes.

Colonel DUNNE said, he merely rose for the purpose of assuring the House that he never at any period of his life was a free-trader. He denied the statement of the hon. Member for Buckinghamshire that he (Colonel Dunne) ever had been a free-trader. He defied the right hon. Gentleman the Chancellor of the Exchequer or any Irish Member who might support a free-trade policy that night to say that Ireland had received the slightest benefit from free trade. They had first destroyed the manufactures of Ireland, leaving her nothing but agriculture to depend upon; and they had now also destroyed her agricultural prosperity. The test of improvement, as shown by the poor-law returns, was easily accounted for, inasmuch as many had gone to their long account, whilst many more had fled, and were flying, from destruction at home. He begged to ask Irish landlords how many acres they had thrown upon their hands, and how many acres were out of lease, by reason of the flight of the farmers from the destruction that awaited them at home? He was ever most conscientiously opposed to free trade.

Mr. GRANTLEY BERKELEY replied. He denied the assertion of the right hon. the Chancellor of the Exchequer that the object of his Motion was to bring about the imposition of an 8*s*. duty. All he wanted to obtain by his Motion was, that the House should reconsider the measure. He cared not for the sophisms of the hon. Gentleman on his left, the Member for the

West Riding, or the annoyance he felt at the part which he (Mr. G. Berkeley) took in the debate of that evening. In his opinion if any thing required reconsideration, it was the question before them. The hon. Member for Buckinghamshire had taunted him with having voted for free trade. He begged to say, he did no such thing. On the contrary, so doubtful was he on the matter, that he remained neutral. He did not like the appearance of the measure; and he was, therefore, determined not to vote for it. He had watched the experiment, and he was now convinced it was a decided failure. The hon. Member for the West Riding had asserted that no reciprocity had been broken through. [Mr. Cobden: No, no!] What! had there been no breach of reciprocity between this country and Brazil? ["No, no!"] He was not surprised at the anxiety manifested by the hon. Gentleman to remove him (Mr. Berkeley) from that side of the House, because his views were at variance with his own. The hon. Member for the West Riding had also laid down the law—as he was in the habit of doing—and asserted that no borough with 20,000 inhabitants would return a protectionist candidate, or a candidate adverse to free trade—what did he say to the return made by Cork? He regretted the noble Lord the First Minister of the Crown had not thought fit to favour the House with his opinions on the subject. He regretted it very much; and could not help observing that there were some lines of Sir E. Bulwer Lytton that suited his position:—"The golden medium was his guiding star, which means move on until you're uppermost; and then things can't be worse than what they are."

Question put.

The House divided:—Ayes 184; Noes 298: Majority 114.

List of the AYES.

Alexander, N.
Arbuthnot, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrington, Visct.
Bateson, T.
Bell, M.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Cayley, E. S.
Chandos, Marq. of
Chatterton, Col.
Cholmeley, Sir M.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Dickson, S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
FitzPatrick, rt. hon. J. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harcourt, G. G.
Harris, hon. Capt.
Heathcote, G. J.
Heneage, E.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Law, hon. C. E.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Long, W.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
Packe, C. W.
Palmer, R.
Pigot, Sir R.
Plumptre, J. P.
Portal, M.
Prime, R.
Pusey, P.
Rendlesham, Lord
Richards, R.
Rushout, Capt.
Scott, hon. F.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, J.
Sturt, H.G.
Talbot, C. R. M.
Taylor, T. E.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Townley, R. G.
Trollope, Sir J.
Tyrell, Sir J. T.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S,
Walpole, S. H,

Walsh, Sir J. B.
Welby, G. E.
Williams, T. P.
Wodehouse, E.
Worcester, Marq. of
Yorke, hon. E. T.

TELLERS.
Berkeley, G. C. G.
Dunne, Col.

List of the NOES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Dalrymple, Capt.
Damer, hon. Col.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Drummond, H. H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Estcourt, J. B. B.
Evans, Sir D. L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fagan, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hutchins, E. J.
Hutt, W.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, The O'Gorman
Mahon, Visct.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Muntz, G. F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Sir G. B.
Peel, rt. hon. Sir R.
Peel, F.
Pelham, hon. D. A.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Raphael, A.
Rawdon, Col.
Reid, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smollett, A.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Sutton, J. H. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Tufnell, H.
Turner, G. J.
Tynte, Col. C. J. K.

Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.
Hill, Lord M.
Grey, R. W.

The House adjourned at a quarter after Two o'clock till Thursday.

HOUSE OF LORDS,

Thursday, May 16, 1850.

MINUTES.] PUBLIC BILLS.—2ª Greenwich Hospital Improvement.

Reported.—Prussian Minister's Residence.

3ª Process and Practice (Ireland); Distressed Unions Advances and Repayment of Advances (Ireland).

DEPARTURE OF THE FRENCH AMBASSADOR.

LORD BROUGHAM: I wish now to advert to a circumstance, and ask a question of my noble Friend opposite (the Marquess of Lansdowne), to which, if his public duty should not prevent him from responding, I am sure he will, with his usual kindness and courtesy, give me an answer—I allude to the event, which I have learned with very great sorrow, of the departure, by command of his Court, of the French Ambassador from this country to Paris. My Lords, it requires no addition to this fact to make it wear an aspect of grave and serious import in my eyes; but I do not consider that the accidental circumstance of Her Majesty's birthday coinciding with the departure of the French Ambassador is to be put into the scale to add weight to the circumstance, because I take for granted that that is owing, more or less, to the accidental coincidence of this day with the day appointed for the explanations that have been asked in the French Chamber. But I must say, it will be to me a matter of great satisfaction, as it will be to the country at large, if my noble Friend should be found—when the time comes to take notice of what I am now stating—to view this departure of the French Ambassador as of less grave importance than I do. For of this I am certain, that the least diminution of the friendly feeling between this country and France is a consummation most devoutly to be deprecated, the more especially as France is one of the very few Powers—perhaps I ought to say almost the only great Power—in Europe, with whom, from unfortunate circumstances, respecting which I cast blame upon no one, we are at the present moment on a friendly footing.

The MARQUESS of LANSDOWNE: I will endeavour to reply to what I consider the most material part of my noble Friend's question. There can be no doubt that the sudden and perhaps unexpected absence of the French Ambassador from this Court is an event of importance; but, at the same time, I can assure my noble and learned Friend that it is not of that very grave importance which some persons have been disposed to attribute to it. My noble and learned Friend has almost anticipated what I, nevertheless, think to be my duty to state to the House, that the circumstance of his leaving this capital on the day of Her Majesty's birthday was simply accidental, and in no way connected with any intentional design of manifesting anything like disrespect to Her Majesty or to this country, which, in a case of this sort, would have been identical. It was, I believe, solely from a desire—his presence being required in the French capital by his Government—to give them the benefit of his presence within as short a time as possible. And without entering further into the subject, I am prepared to say there are circumstances which, in my opinion, may render the presence of that very eminent and intelligent person in Paris at this moment, more useful to the connexion between the two countries than would be his stay in London.

LORD BROUGHAM: I anticipated the explanation of the noble Marquess. But I can hardly ascribe the absence of the Russian Ambassador from the celebration of Her Majesty's birthday to a similar cause. I wish I could.

Subject dropped.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 16, 1850.

MINUTES.] PUBLIC BILLS.—1ª Engines for taking Fish (Ireland); Borough Bridges.

Reported. — Public Libraries and Museums; Sunday Fairs Prevention.

THE NEW HOUSES OF PARLIAMENT.

MR. B. OSBORNE wished to ask the hon. Member for Lancaster whether it was in contemplation to take down the gallery in the new House of Commons at the back of the Speaker's chair, which was intended, he believed, to be devoted to the ladies, and also whether any estimate of the probable expense of its removal had been obtained by the commission?

MR. T. GREENE said, it had certainly been suggested that the removal of the screen at the end of the House behind the Speaker's chair, and the carrying it back in the same manner as was done at the other end of the House, would afford the opportunity of erecting there a good gallery for the public, where they could hear and see remarkably well. Some alteration was required in consequence of its being proposed to allot the gallery at the bar end of the House to Members. Some other accommodation was, therefore, absolutely requisite for the public, but it was not thought desirable to make any alteration whatever till the new House had been temporarily occupied by Members, as it might then be ascertained what alterations would be most convenient. He wished to take this opportunity of stating that the architect had, in 1844, submitted to a Committee of the House a plan of the House agreeing with the plan upon which he had finally constructed it, and that he then gave the Committee a detailed account of the accommodation afforded in the late House of Commons and the present House, and the accommodation proposed to be afforded in the new House. It was but due to Mr. Barry to state that he proceeded with the plan then proposed in consequence of no objection having been taken by the House to his suggestions. He (Mr. Greene) also wished to correct himself upon a point on which he had misunderstood a question put to him by the hon. and gallant Member for Middlesex the other night. He had stated, in reply to the hon. and gallant Gentleman's question as to some ventilating apparatus erected in a courtyard, that it belonged exclusively to Mr. Barry; but he did not mean it to be understood that the ventilation of the new House of Commons was to be carried on by Mr. Barry. The commissioners at their appointment received instructions to employ Dr. Reid to arrange the ventilation of the new House of Commons and the division-lobbies; but the ventilation of the Committee-rooms and other parts of the House had been committed to Mr. Barry. He wished to be understood that Dr. Reid was intrusted exclusively with the ventilation of the new House.

MR. ROEBUCK inquired whether there had been any deviations from the plan originally submitted to the Committee by Mr. Barry?

MR. T. GREENE said, there had been a deviation, arising from the circumstance that Mr. Barry, in the plan he had submitted to the Committee, had proposed the erection of a gallery behind the Speaker's chair capable of containing 120 Members. He (Mr. Greene) thought that every one acquainted with the ordinary practice of the House, and the mode in which business was conducted, would be of opinion that a gallery for 120 Members behind the Speaker's chair would be extremely inconvenient. The commissioners had therefore felt it their duty to prevent that gallery from being erected, and the accommodation proposed by Mr. Barry had consequently been much limited.

MR. HUME asked whether it was likely, when the new House was occupied as an experiment, that it would contain one-half the number of Members?

MR. T. GREENE said, the new House would probably have been occupied to-morrow; but, in this intensely cold weather, he did not think hon. Gentlemen would like to submit to the experiment. The House would be occupied, experimentally, after Whitsuntide, and he thought it would be found to accommodate as many Members as the present House.

MR. ROEBUCK asked whether they would be accommodated in the body of the House, or in the gallery opposite the Speaker's chair, which was to be substituted for the gallery that had been proposed to be erected behind the Speaker's chair?

MR. T. GREENE had spoken of the House altogether. He could not say, from recollection, what was the precise number of Members for whom accommodation would be afforded in the body of the new House.

Subject dropped.

AFFAIRS OF GREECE.

MR. M. GIBSON wished to ask the noble Secretary for Foreign Affairs whether the Greek question might be considered entirely settled, so that those persons who were interested in trade might have confidence in renewing their transactions? And also, whether there was a good understanding between the French and English Governments as to the mode in which the settlement had been effected?

VISCOUNT PALMERSTON: Sir, the discussions between the British Government and the Greek Government are entirely closed, so that commerce may be under no apprehension of restraint. Engagements have been undertaken by the Greek Government which put an end to all demands on the part of the British Government. The only question remaining to be investigated is that portion of the claims relating to Don Pacifico's demands upon Portugal, and the amount payable on that account. With regard to the right hon. Gentleman's inquiry as to the understanding between the British and French Governments, of course the French Government would have preferred, as we should have preferred, that the question should have been settled by the intervention of the French negotiator. Circumstances interposed to prevent that settlement from taking place. It is well known that the French Ambassador went yesterday to Paris, in order personally to be the medium of communication between the two Governments as to these matters; but I trust nothing can arise out of these circumstances likely to disturb the friendly relations between the two countries.

MR. DISRAELI wished to know from the noble Lord the Secretary of Foreign Affairs, whether there was any objection to lay upon the table the papers relating to the recent proceedings in Greece?

VISCOUNT PALMERSTON had no objection. The papers showing the course of the negotiations were at present in preparation.

MR. ANSTEY wished to know if the parties whose property had been seized or injured during those proceedings in Greece, were to be debarred by the settlement which had taken place from seeking redress?

VISCOUNT PALMERSTON said, it would not have been in the power of their negotiator in Greece to debar any party from seeking legal redress.

MR. ANSTEY wished to know if the matter (of redress) had been originally included in the proposed stipulations?

VISCOUNT PALMERSTON replied, that no such stipulation had been proposed.

Subject dropped.

THE LATE PROTECTIONIST MEETING.

MR. F. O'CONNOR begged to ask the right hon. Gentleman the Secretary of State for the Home Department, without intending to cast the slightest censure upon the parties concerned, but merely to ascertain a fact which it was desirable should be known, namely, whether there was to be one law for the rich, and another for the poor—whether it was the intention of the Government to take any proceedings against the parties who had met at the Crown and Anchor Tavern, on last Tuesday week? He had himself been at meetings, for attendance at which men had been prosecuted, where no such violent language had been used as had been spoken at the meeting to which he was alluding. [*Laughter, and* "Oh, oh!"] He did not think the question was one which ought to be met by a laugh in that House.

SIR G. GREY was understood to decline giving any answer to the question.

LIFE POLICIES OF ASSURANCE (No. 2) BILL.

House in Committee.

On Clause 1,

SIR F. THESIGER said, he entertained strong objections to this measure. The object of the Bill was to render policies of assurance upon lives assignable. The Committee was probably aware that policies of assurance, like what were called in law "choses in action"—namely, debts and liabilities—could not be assigned so as to enable the assignee to recover in his own name at law upon such debt or liability. Policies of assurance were practically assignable, because he was not aware that any difficulty had ever been made by assurance offices, when they were perfectly satisfied that an assignment had taken place, in paying the amount of the policy to the assignee on receiving a proper discharge. The proposal of this Bill was, however, to take policies of assurance out of the category of choses in action, to give the power of assigning such policies, and to enable the assignees to recover at law. No inconvenience had been urged as the ground for such a change in the law; and he considered that policies of assurance ought to be the last with regard to which this power of assignment ought to exist. There would not be security against gaming in policies. Not having had an opportunity of opposing the second reading, and objecting as he did to the Bill, as dangerous and impolitic, he felt it his duty to move that the Chairman do leave the chair.

Motion made, and Question put, "That the Chairman do leave the chair."

Mr. W. FAGAN said, that the reason he had brought in the Bill this Session was, that it had emanated from a Select Committee of the House last Session. It had passed the House, and was thrown out by the House of Lords without any observation. He had therefore renewed it, thinking it extremely necessary. He admitted that the hon. and learned Gentleman was right in saying that life policies of assurance were at present practically assignable. They were, but it was with a Chancery suit hanging round them, which might be commenced at any time. But there was one important matter connected with the subject, of which the hon. and learned Gentleman seemed to be ignorant. On all occasions, so far as his experience had gone, the insurance companies required the personal representatives of the person insured to join in the receipt with the assignee or person receiving the amount of the policy; and the consequence was, that the personal representative, who had no interest in the matter, often required to be paid a sum of money for joining in the receipt, to the detriment of the holder of the policy, who had given full value for it. But an extreme difficulty arose out of the practice, where there might be no personal representative. He knew of one case in which a sum of 3,000*l.* was involved. The insurance office refused to pay the money, there being no personal representative to give a receipt. The policy had been assigned for a valuable consideration, and there was no simple remedy at law. But the hon. and learned Gentleman had given no sound reason, and had offered no practical argument, in opposition to the Bill. In Ireland life policies of assurance were frequently given as securities for loans; but the Bank refused to take the assignments as security, on the sole ground that they were not assignable at law.

Mr. MULLINGS deprecated the opposition to the Bill; which he declared his experience convinced him was necessary for the purposes of justice, to prevent the enormous litigation in Chancery which now was common in cases of assignment of policies. In one case, a policy of 5,000*l.* cost 2,300*l.* in Chancery litigation; and in another, a policy for 4,500*l.* cost 1,800*l.* in Chancery, before the right of the assignee was settled, and in one case it was settled against him.

The ATTORNEY GENERAL supported the Motion of the hon. and learned Gentleman the Member for Abingdon. He thought the Bill was opposed to some of the recognised principles of English law; that it would operate injuriously on certain branches of life policy assurance; and that it would unnecessarily alter the present system in England and Scotland. He thought, moreover, the proposal would be attended with danger, and that no case had been made out which should induce the House to violate the existing law.

Mr. F. FRENCH said, that there never yet was a Bill framed which could not be evaded. He believed that several cases of great hardship existed in consequence of the defective state of the law. He hoped, therefore, that the House would take a common-sense view of the case, and remedy the evil, no matter who might complain.

The Committee divided:—Ayes 69; Noes 66; Majority 3.

The House resumed.

PUBLIC LIBRARIES AND MUSEUMS.

On the Motion of Mr. Ewart, the House went into Committee on this Bill.

On Clause 1,

Mr. EWART moved the insertion of a proviso to the following effect;—That it shall be lawful for the mayor, upon the request of the town council of any municipal borough (the population of which, according to the last account taken thereof by authority of Parliament, exceeds 10,000 persons), to ascertain whether the provisions of this Act shall be adopted for such borough in manner following; that is to say, by causing a notice to be affixed on or near the door of the town hall of the said borough, and on or near the door of every church or chapel within the said borough; and to be inserted in some newspaper published in such borough; or if there be none such, in some newspaper published in the county in which such borough is situate, and circulating in such borough; specifying some day not earlier than ten days after the affixing and publication of such notices, and at what place or places within the said borough the burgesses are required to signify their votes for or against the adoption of this Act, which votes shall be received on such day, commencing at nine of the clock in the forenoon, and ending at four of the clock in the afternoon of such day.

Colonel SIBTHORP denounced this Bill as absurd in every sense of the word, and intimated his intention of moving its rejection upon the report being brought up. He thought the people were already sufficiently taxed, and that this Bill would open the door to increased and indefinite burdens being placed upon them. He had no desire to curtail the amusements of the people; if he could add to them he should be happy to subscribe money from his own purse, and not exact funds from those who could not afford to pay. He thought the Bill was partial in its operation, that it was not demanded by the petitions which had been presented; and as, moreover, he thought it had been brought forward to gratify the whim of some parties and the vanity of others, he should take the advantage of a fuller House to move its rejection.

Mr. STANFORD said, when the Bill was introduced there was a distinct understanding that it was a permissive Bill. It was, however, subsequently found that the Bill was not a permissive but a compulsive one. The hon. Gentleman the Member for Dumfries then gave notice of a clause of a permissive nature; but that clause, so far from assuring the sanction of two-thirds of the ratepayers of boroughs or towns, with a population of, or exceeding, 10,000 persons, simply stated that the adoption of the Act should be authorised by two-thirds of the burgesses assembled by a notice not earlier than ten days. He had opposed that clause, and moved an Amendment to it, and when six o'clock, the hour of adjournment, arrived, the further progress of the Bill was postponed till the present occasion. He would support the Bill cheerfully if the hon. Member would modify it so that its provisions should be of a permissive and not of a compulsory character. The Bill in its present state had a very insinuating title, but nothing else. Take away the title and there was no Bill at all. A more crude or ill-digested piece of legislation he never saw, and he felt convinced that it would not give satisfaction to the country.

Mr. EWART must make exception to the manner in which the Bill had been attacked by the hon. Member for Reading, and would remind him that, if there were crude, crotchetty, and ill-digested Bills, there were also crude, crotchetty, and ill-digested speeches. Neither did he think it redounded to the credit of the hon. Gentleman that he should mark his noviciate by making an attack upon a Member for having introduced a Bill of this sort. The hon. Gentleman had said the Bill was not maturely considered; but he begged to remind the hon. Member that it had been recommended by a Committee of last Session, and numerous petitions had been presented in its favour. Indeed, he was sure that the borough of Reading would approve of the Bill, unless, indeed, it was not a "reading" borough. He would make the hon. Gentleman a present of the joke, as he considered it suitable to the nature of his opposition. He had, in the alterations which he proposed to introduce into the Bill, endeavoured to conciliate opposition and meet the objections of hon. Members. He proposed that notices should be affixed on the doors of churches and chapels, and should be advertised in the newpapers also, and he was willing to introduce any further provisions into the measure which would remove all objections to it, unless those objections were of an unreasonable kind. He regretted that the hon. Gentleman opposite the Member for Reading had imputed motives to him which did not actuate him in bringing forward the Bill. He had brought it in on public grounds only, and for a public purpose; and feeling that conviction he did not think it necessary to reply to those who said to the contrary. He believed that the introduction of the clause which he proposed would have been more properly done on another stage of the Bill; but as the right hon. Secretary for the Home Department had given an opinion that it would be better to do so then, he was willing to accede to his suggestion. If the hon. Member for Reading was really desirous that the measure should pass, and would give to him (Mr. Ewart) his support, he would willingly agree to any proposition which might be made to make the Bill more perfect.

Sir G. R. PECHELL said, he had instructions from the town he had the honour to represent, to put in a clause to extend the provisions of the Bill to towns with local Acts. At present it was confined to corporate towns, and he saw no reason why it should not extend to large towns which were not incorporated.

Sir G. GREY said, there appeared to be considerable confusion with respect to the mode of proceeding with the Bill. The main question they had to determine was, whether the ratepayers had a sufficient control over the town councils. In order to give such a control, the hon. Gentleman the Member for Dumfries had proposed a clause; and to that clause the hon. Gentleman opposite, the Member for Reading, objected, and proposed an Amendment.

Upon that the clause was withdrawn, and a new one was substituted, to which the Amendment did not refer, and he would therefore suggest that the Amendment should be withdrawn, and that the Bill should be committed *pro formâ*, that the new clause might be considered, and that hon. Members might have an opportunity of seeing how it affected the Bill.

Mr. HUME was of opinion that the most important part of the Bill was that which gave a check to the ratepayers over the funds raised under the Bill, and as the new clause referred to that important point, he hoped the House would allow it to be introduced *pro formâ*, for the purpose of its being considered.

Mr. STANFORD had no intention whatever of imputing any sinister object to the hon. Member who had introduced the measure, for he entirely acquitted him of any such object. He would be the last person in the House to impute improper motives, and his own opposition arose entirely from his sense of public duty. He had no objection whatever to the course suggested by the right hon. Gentleman the Secretary for the Home Department, and he would not, therefore, any longer persist in his Amendment.

The House resumed. Bill reported; to be printed as amended; recommitted for Thursday, the 13th of June.

MARRIAGES BILL.

Order read, for resuming Adjourned Debate on Question [18th April], "That Mr. Speaker do now leave the chair."

Question again proposed.

Debate resumed.

Mr. DIVETT rose to move, as an Amendment, that the House do resolve itself into Committee on the Bill that day six months. In his opinion it was a scandalous and an immoral Bill, and he was astonished that a man of the learning and ability of the right hon. Member for Buteshire should have been induced to take charge of such a measure. In all his Parliamentary experience he had never seen anything of the sort; and, remembering the place which the hon. and learned Gentleman represented, he could not avoid noticing the fact, that there had that evening been presented from Buteshire a petition signed by 152 of the electors against the Bill. It might truly be said that Scotland and Ireland were both against the Bill. Every one knew that great efforts were made to get up petitions in England in favour of it; that a powerful firm of London attorneys, paid by a gentleman well known in that House, were sparing no pains to promote the Bill, for the purpose of effecting some marriages and of legalising others. It was not proper that he should then reopen the discussion of last year, or any former discussions; but it was impossible for any one who heard the speech of the hon. and learned Member for Abingdon to avoid feeling that it was their duty to stop at the stage which the Bill had now reached, and not oppose themselves to the deliberate sentiment of the men, and still more of the women, of England. It appeared to him that, in a social point of view, a more mischievous Bill had never been presented to Parliament.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

Mr. A. J. B. HOPE seconded the Amendment.

The House divided:—Ayes 42; Noes 40: Majority 2.

Clause 1 agreed to.

On Clause 2,

Sir F. THESIGER said, they had now arrived at that stage of the Bill at which all discussion with regard to its principles should be suspended, and they should confine themselves entirely to a consideration of its details. He mentioned this in order that his position might not be misunderstood, and that when he stated his objection to certain portions of the Bill, it might not be supposed that he was in any degree waiving the right which he had to object to its principle at some future stages, which he should most unquestionably do if an opportunity should be afforded. What he proposed to submit to the Committee was, the Amendment of which he had given notice, that marriages with a deceased wife's sister, which had been contracted since the year 1835, in direct violation of a known law, should not by this Bill be rendered valid. It would easily be observed by hon. Members who were of opinion that the law with respect to these marriages ought to be changed, that they might quite consistently vote for his Amendment, because they might be of opinion, with him, that the Act should not have the operation which the clause, as it at present stood, would give it. He thought it would be admitted that all retroactive laws were, in general, a violation of the principles of legislation. They were very sparingly to be resorted to, and not to be adopted unless there was something which amounted almost to a moral necessity. There were some instances where the Legislature had stepped in for the protection of parties who had through ignorance inadvertently violated the laws, and incurred penalties; but no instance could be found where persons guilty of a wilful violation of the law had found protection and indulgence from the Legislature; and more especially could no instance be found of such legislative interference where the important rights of others would be affected by such legislation. As illustrative of the mode in which the Legislature had interfered by retroactive laws, he would refer to the most recent instance of that kind—the Act passed in 1845 to exonerate the printers and publishers of newspapers who, in violation of the law against advertising foreign lotteries, had inadvertently inserted advertisements of that description in their newspapers, and thereby incurred penalties of *50l.*, half of which went to the informer, and half to the Crown. The Legislature interfered and saved them from those penalties; but it was a remarkable instance to show how careful it was not to interfere with the rights of individuals which had accrued, though merely by putting themselves forward to institute proceedings against the offending parties, that, although it declared that from the time of passing the Act, no proceedings should be instituted by a common informer, and referred the whole matter to the Attorney General, yet in the suits which had been instituted and carried to judgment, it would not protect the parties who had offended against what was considered the vested rights of those who had commenced proceedings; and those suits were only terminated on payment of costs by the parties proceeded against. That Act specially recited that those who had offended against the law, had done it through inadvertence. Taking the principle that the Legislature would only interfere in cases of ignorance or inadvertence, or where something like a moral necessity existed, let the Committee look at the position of those parties who, since 1835, had contracted marriages with a deceased wife's sister, and inquire whether they had erred through ignorance or inadvertence, or whether they had not wilfully and deliberately violated a known law. Referring to a letter at page 143, of Appendix No. 18, he found the writer stating—"I knew, of course, that I was running counter to the Act of Parliament." In No. 19, a party says—"I did not imagine that Acts of Parliament could either create or annul moral obligations." [Mr. S. WORTLEY: Finish the sentence.] The writer adds—"Though I so far respected them as to have the marriage solemnised in a country where the union was legal." But that was not the object for which he had cited the passage. Though it might be doubted whether an Act of Parliament could annul a moral obligation, there was no doubt whatever that it could create one; for in the case of any law that was passed, not in opposition to the Divine law, there was a moral obligation to obey it. They were now dealing with wilful transgressors of the law, who knew perfectly well that the Act had rendered these marriages null and void; and there was no instance of the Legislature interposing for the protection of such parties. He might be referred to the Act of 1835, as an instance in which persons who violated the law, and knew they were violating it, had been protected by the Legislature, and their act rendered valid. It was, therefore, important to explain the circumstances under which that law was passed; and it would be found not to have the bearing contended for on the other side. Up to 1835, the law as to marriages within the prohibited degrees was this:—Although these marriages, which he held to be contrary to the Divine law, might be annulled by a suit in the ecclesiastical court during the lives of the parties, yet, on the death of either, the ecclesiastical courts could not interfere to invalidate the marriage, and render the issue illegitimate; or, if the ecclesiastical court was put into motion, the common law would interpose by prohibition. It had been erroneously supposed that the law made a difference between marriages within the prohibited degrees of affinity and those of consanguinity—that the latter were void, but that the former were voidable only. That was an entire mistake. Both were on precisely the same footing prior to 1835. Even had the shocking and revolting case of a brother marrying a sister occurred prior to 1835, if either party were dead, there was no possible mode of invalidating that marriage; for all practical purposes for conferring legitimacy and succession on the children, the marriage was a good one. The law had not, in opposition to the Divine law, declared those marriges valid, but had merely, for the sake of the innocent children, prohibited the ecclesiastical courts from invalidating them. But, to show that it gave it no sanction whatever to these marriages, there could be no doubt whatever that, after the death of one of the parties, the ecclesiastical courts might have proceeded to punish the survivor for incest —showing that the reprobation of the original prohibition was still stamped on marriages of that description, and that they were never sanctioned by any law. During the whole lives of the parties, not only might any person interested in the succession have instituted a suit to annul the marriage, but the parties themselves, had they become tired of the union, or found it convenient to dissolve it, at however late a period during their joint lives, might have instituted a suit, and the marriage would have been instantly declared void. This brought the state of the law to the attention of the Legislature, and they had one of three courses to adopt, either to leave those marriages in the state in which they were, to render them void, or to make them binding. The first course was quite out of the question; with regard to the second, it would have been a harsh and cruel thing for the Legislature to have taken away from the children the chance which they had, if no suit were instituted during the lives of their parents, of becoming for all important purposes of life legitimate. There remained nothing else but to declare these marriages valid; and as the Legislature was about to pronounce an authoritative decision that for the future they should be avoided, a consideration of all these circumstances and the advantage of defining the law for the future, induced the adoption of that course. He was incorrect in saying that the Act of 1835 declared these marriages valid. It did not do so in terms; but it enacted that they should not be annulled by suit in the ecclesiastical court, with a reservation, however, as to the suits then pending. Thus, while the Legislature meant to prevent these marriages being annulled, it took special care not to declare them valid, as though reluctant to interfere with a divine prohibition. It was very remarkable that Scotland was excepted from that Act. Why? Because, by the law of Scotland, marriages of that description had always been considered null and void. [Mr. S. WORTLEY: No!] He maintained, with great submission, that that was the general impression, and that was the reason why the Legislature had excepted Scotland. In order that parties should have no excuse for ignorance in future, and that there might be no doubt what was the law, the Legislature declared, in direct and positive terms, that for the future marriages within the prohibited degrees, whether of affinity or consanguinity, should be null and void to all intents and purposes whatsoever. After that, there could be no possibility of doubt as to the state of the law. The circumstances under which it was introduced were notorious; persons interested had their attention directed to the Act, and to the proceedings in Parliament; and the express and positive terms of the enactment shut out all fair or legitimate excuse for contracting marriages of that description. The parties well knew that the death of either of them would not prevent the ecclesiastical courts from annulling the marriages, and that all the fatal and painful consequences of illegitimacy in their offspring must follow. It was in favour of these parties, who, since 1835, in defiance of the law, had chosen to contract marriages of this description, that his right hon. and learned Friend proposed to interfere by a retroactive law rendering all those marriages valid, and investing them with all the rights, privileges, duties, and sanctions which belonged to a legitimate union. Would any one venture to assert that they had the smallest title to such interference? Upon what ground, then, ought the House to interfere? [Mr. HUME; The House has done so once, and will do it again.] He must say it was in vain to attempt to make any distinction intelligible to the hon. Member for Montrose. He had endeavoured to show the circumstances under which the Act of 1835 had been passed, and the distinction between what was done then and what was proposed now; but, from the remark of the hon. Member, he utterly despaired of making his proposition intelligible to him. It had been suggested to him that the hon. Member was going to vote in favour of his proposition; and he thought it very possible, as he had made an observation against it. As a reason for interference, the hon. and learned Member for Southampton had appealed to the compassion of the House, in favour of the innocent offspring of these marriages. Compassion was a most amiable quality, and it ought to be indulged, except when higher considerations intervened. Were they to legislate in reference to the children of these marriages, they should be carried, if the principle was of any validity at all, to an extent in the same direction which they could hardly anticipate. In the course of inquiry into this important and interesting subject, the feelings of all must have been revolted by learning that marriages had taken place between persons related within very near degrees of consanguinity. There were the innocent offspring of these marriages; and if the House was to be consistent, and if they interfered merely for the sake of the children, and not of the parties themselves, could they stop short without rendering all these marriages valid, for the purpose of giving legitimacy to those innocent children? Throughout the country there were many more illegitimate children than the fruit of marriages of this description—all innocent victims of the shame produced by the guilt of their parents; would they push legislation to the extent of rendering all these persons legitimate? To legislate on the ground of compassion would open so wide a field in this direction, that it would embrace every case in which the criminal law imposed a punishment upon parties; for in most cases, the effect of crime extended beyond the criminals themselves to all who stood in a near relation to them. He submitted these considerations to induce the Committee to exclude from the Bill those who had wilfully violated the law, and who therefore could not be considered proper objects for this interference of the Legislature. He would appeal on this subject to his right hon. and learned Friend who had brought in the Bill, who was actuated by no interested motives, but had been induced to come forward by the sincerity of his convictions. He would ask him whether it was at all within the purpose of ordinary legislation, that parties who had acted in known, direct, wilful, and express violation of the law, should be put in precisely the same position as they would have occupied had the law been different, and the marriages which they had contracted lawful. Their position was this: they had contracted no marriages; their marriages conferred no rights, imposed no duties; no succession or legitimacy could follow from them. They were unions of a meretricious, and not of a matrimonial character. This Bill proposed, without any religious sanction, without any legal ceremony, to wipe out the stain of fifteen years—to put the parties precisely in the same situation, with regard to all the rights and consequences of those marriages, as if they had been legal from the beginning, although they were utterly void to all intents and purposes—and to do that which no legislature had previously done, to render that a holy union which, for fifteen years in some cases, had been one unhallowed by any legal or divine right whatever. If the right hon. and learned Gentleman was actuated by compassion for the children, let him consider whether it was discreet to weaken any of those motives which induced men to abstain from disobedience to the law by a tender regard for those near and dear to them—whether it was at all consistent that those persons who had openly and flagrantly violated the law should receive—not the punishment, not the pardon of their offence even—but should receive, as a reward from the Legislature, the very fruits which they had derived from their offence. The right hon. and learned Gentleman had made a strong appeal to the House on the ground of the number of persons guilty of this violation of the law. If a few insignificant persons only had been found to have offended, he believed Parliament would never have been troubled with this question at all. Was it a consistent and just principle of legislation to say, that because the examples of offenders were multiplied—because the offence was rendered more dangerous by the number of persons guilty of it—that therefore the law was to retire before the numbers of those who had invaded it? On such a ground was the House to interfere for the protection and the reward of these parties, by placing them in the very same position in which they would have been had no offence against the law been committed? Objecting as he did to the principle of the Bill throughout, he felt that there was such a violation of all principle in the attempt now made to render marriages of this description valid, that he could not discharge his duty without fairly and fully laying before the Committee the grounds on which they ought to abstain from the proposed interference. Unless it could be shown that, under circumstances at all similar, with wilful and known violators of the law, the Legislature had ever interfered and protected them in the way proposed, he must condemn this legislation not only as being against principle, but as a dangerous invasion of existing rights.

This clause interfered in the most flagrant manner with the rights of individuals, the rights of property and honours. He would ask his right hon. and learned Friend whether he could bring forward any precedent, or anything like a precedent, for what he proposed in this clause? Believing that he could not do so, he begged leave to move the omission of the words he had stated.

Amendment proposed, page 2, line 23, to leave out the words "hath been heretofore or."

Question put, "That the words proposed to be left out stand part of the clause."

Mr. S. WORTLEY said, after what had passed that night previously to the division, and since, he was anxious to take the earliest opportunity in his power to explain the position of the Bill, and the bearing which the Amendment of his hon. and learned Friend would have upon it. He did not wish to advert to the language of the hon. Member for Exeter; but when the hon. Gentleman was aware that on that side of the question which he (Mr. Wortley) advocated, there were ranged some of the most eminent divines, some of the most pious men, some of the most virtuous, and, he would add, some of the most wise, both in the Legislature and among every class in the country, he thought it was hardly within the bounds of prudent language to designate a measure so advocated as an immoral and scandalous Bill. He thanked his hon. and learned Friend the Member for Abingdon for having stated publicly what he would not have alluded to himself—that not in the most remote manner, either by relationship or connexion, or even intimate friendship, had he the slightest interest in this measure. He was ready to say at once, in answer to his hon. and learned Friend, that he had no sympathy with the man who wilfully disobeyed the law; and that he had no wish to extend to him any relief; but, when his hon. and learned Friend referred to the number of cases that had occurred, and repeated the fallacy so often answered, that this was an appeal to the Legislature as a matter of compassion to the persons who had entered into these marriages, he must tell him that such was not the case. The argument was this—that there were so many who had entered into that state ignorant of the law—that there were so many who had entered it in the belief that they were contracting a valid marriage—and that there were thousands of children suffering from this state of things; but, above all, that the fact of such a number of these marriages having taken place without the censure of public opinion, or of the societies in which the parties lived, established the fact that the present law was not in consonance with the public feeling. This was the state of the case; but he admitted that, if the Bill he had introduced was one for the relief of persons who had wilfully violated the law, he would be taking a course insulting to the House. He had been challenged to point out a precedent for the measure he had introduced. He would, in answer to this challenge, speak presently of the Bill of 1835; but in the meantime he begged to refer to the Act of Lord Hardwicke, which prohibited the marriage of children and minors without the consent of parents and guardians. This measure was found to lead to great inconvenience, for in spite of the law minors married, and children were born; and in 1823 an Act was passed to redress the grievance. This Act recited the mischiefs which the alteration in the law of marriage had produced, and made all past marriages actually valid, while a clause was introduced for the reservation of rights and honours. This clause he had transferred, word for word, from that Act of Parliament to the present Bill. Then, as for the Act of 1835, it was all very well to mystify the operation of that law; but, mystify it as they would, the real and practical effect of that law was to render all marriages of this sort that had taken place before valid. If that was so, did it not amount to a perfect precedent? His hon. and learned Friend said it was not so, because, before the Act of 1835, marriages of affinity were on the same footing with marriages of consanguinity, both being voidable; and it could never be contemplated to make all marriages of this kind valid. He referred to some cases of unnatural and monstrous connexion; but, practically speaking, these marriages never having taken place, no remedy was wanted for them. They punished murders, but they did not punish parricide as such; for, as Cicero observed, there were crimes so monstrous, that the law did not contemplate their being committed. [Here the right hon. and learned Gentleman quoted a passage from the writings of Mr. Serjeant Manning in support of his view.] Was such marriage lawful or unlawful before 1835?

His hon. and learned Friend contended that it was unlawful, and he (Mr. Wortley) argued that it was voidable; but the Act of 1835 removed the contingency by which such marriage might have been rendered absolutely void, and made it perfectly valid. That Act was therefore a positive precedent for the clause under consideration, for the whole effect of it was retrospective. It was intended to have that effect; and it had accordingly had the practical effect of rendering every such marriage that had been previously contracted perfectly valid. It was a curious fact, that during the pendency in Parliament of the Act of 1835 certain parties of very high position and standing in the relationship which the Bill contemplated, on making the fact of their intention known, received advice from very high authority to go and be married as fast as they could, and they did so. His hon. and learned Friend had said that everybody knew the provisions of the law of 1835, but that was not the fact. Many persons of all classes had contracted these marriages without any knowledge of such an Act having passed. How was it passed? It had been introduced in the House of Lords in July, and it reached the House of Commons late in August, when there was the thinnest possible attendance of Members. If it had been heralded into public notice at all, it was only by the speech by which it was introduced into the House of Lords by a noble and learned Lord, whose every word always attracted notice, as it would attract the notice of posterity. But what was that Bill when so first introduced? It was the enactment of a statute of limitations to prevent all such marriages from being disturbed. But afterwards, in perfect silence, and in fatal haste, as regarded the great body of the people, by a compromise—an unworthy and unprincipled compromise—all such past marriages were rendered good, and all such future marriages were rendered illegal. And what had been the consequence? An hon. Member, at the time, said that if the Bill passed in that shape, it would be a cause of disturbance to every family in the kingdom. And had the Act produced no disturbance? He had received a letter stating these facts: Two persons of high station, with the perfect consent of both families, were engaged to be married at the instance of the deceased wife. On the 1st of September, 1835, those persons were married, and they went upon the ordinary tour. The writer stated that when he returned to the bosom of his family, and among his friends, he was informed that in the meantime an Act had passed the Legislature, and had received the Royal Assent on the 31st of August, which rendered his marriage invalid, so that he had been necessarily living in a state of concubinage. This gentleman knew of the law, which had been smuggled through the House in the manner he had described. But, how had it affected the lower classes? He wished further to refer to the evidence of Mr. Tyler, whose testimony was illustrative of this point. He said, in his examination, that he believed the law was very little known. [Sir F. THESIGER: And that he did not know of a marriage of this sort.] Yes, and what was the fact? Why, in three weeks after, Mr. Tyler discovered that one of his own churchwardens had contracted a marriage of this sort. [The hon. and learned Gentleman read extracts from the evidence of clergymen given before the commissioners, in which they stated their belief that the law had hardly any effect in prohibiting these marriages among the lower orders.] Great doubts were also entertained among many eminent men whether the law rendered these marriages illegal if they had been contracted in countries where such marriages were recognised. It was a very prevalent opinion, that if the marriage were celebrated in Scotland, it would be legal. In 1840 a learned advocate of high station, and in the confidence of the Church of Scotland, had given an opinion that such a marriage was valid. But, whether that opinion was right or wrong, many persons from England and Ireland went to Scotland to be married, that they might have the benefit of what was supposed to be the law of the land. Lord Justice-General Macqueen was of opinion that such a marriage was a good marriage. Now, he would not ask the compassion of the House, but he would appeal to their sense of justice, with regard to the children. If legislation had entrapped persons into this painful situation, would they not, as in 1823, and as in 1835, at all events relieve them from the stigma which the law had thrown upon them? But what would be the effect of his hon. and learned Friend's Amendment, supposing the words he proposed to strike out were omitted, and the rest of the Bill should be carried? The effect would be, that if those persons who had already transgressed the law were to-morrow to go and be married, they would get all the benefit of this Bill, while their children who were already born would be left illegitimate. Thus the peccant parties would have all the benefit, whilst the innocent would undergo all the injury. In spite of all that had been said to the contrary, he would repeat, that it was not true that this was a measure merely affecting persons in high stations, but that it concerned, to a great extent, the middle and lower classes of the people. Among many cases that had been forwarded to him, was that of a pauper who was an inmate of the workhouse of St. Margaret's, Westminster. On her being examined as to her place of settlement, she said—

> "James —— married my sister at Paddington in 1841. She died in October, 1848. James —— then married me at St. Margaret's, Westminster. My mother married my father, James ——, at St. Andrew's Undershaft; my father had previously married my mother's sister."

Experience had shown that after persons had lived together for years as man and wife, and had reared up a family of children, on investigation it had turned out that the wife was by law no wife at all, and that the children whom they had regarded as legitimate were declared by law to be bastards. What was the consequence? The father was sent to one settlement, the mother to another, perhaps 200 miles apart, while the children were sent to a third, and none of the parties would ever see one another again. Would the House then allow an Amendment which inflicted such an injury, especially upon persons who were perfectly innocent?

Colonel THOMPSON said, as the hon. and learned Gentleman the Member for Abingdon had challenged the House to produce a precedent, he would offer him one. In the days of Catholic domination in this country, the marriages of priests were prohibited; but in the reign of Edward the Sixth they were legalised. During that reign, priests married in Great Britain, and had families. When the next sovereign, of unhappy memory, filled the throne, such marriages were declared illegal. But nobody could feel a reasonable doubt, that many ecclesiastics who—so to speak—had learned to marry from the example of their predecessors, must, during Mary's reign, have taken to themselves the comfort of wives under circumstances of evasion of the law, which were satisfactory to their own consciences. When Protestant sovereigns returned to the throne, he would ask whether those marriages and their offspring were not legitimised by Act of Parliament? The precedent applied in every point to the case under discussion. There was a breach of the existing law: everybody knew that; and a subsequent Act of Parliament legitimised the offspring. But why did these people break the law? Because they did not believe it was just and right, but had been made upon a false application of the words of Scripture. It being proposed now to alter the law as regarded parents, he saw not a shadow of reason why the offspring should not have the benefit of the change; and here was the decisive precedent. He appealed to the House whether that was not the most essential part in the Bill, which gave a remedy to those who were suffering from the past legislation?

Mr. PETO, being one of the few Dissenters who were Members of that House, felt that he should fail in his duty if he did not express how deeply the millions with whom he was connected out of doors felt on this question. They felt that a question so sacred as that of marriage should be approached only on the unquestioned authority of the word of God, or as a great social and State necessity. Professing in things sacred only the word of God as their rule of action, and believing that no interdict was to be found in the Scriptures of such marriages, and knowing that when made the subject of legislation it had not been approached in that spirit in which it ought to have been affecting as it did the happiness of the whole community, they avowed that the question had not been settled to their satisfaction. Previous to the Act of 1835 there were no petitions showing that any extensive dissatisfaction with the then state of things had arisen. There were no leading articles or correspondence in the public journals, or anything that showed from the state of public feeling a necessity for legislation. On the contrary, the Bill, as introduced in 1835, was to legalise those marriages; but, in its progress through the Upper House, it was also converted into a Bill annulling those marriages in future. He considered that the religious aspect of the question had been virtually given up. There was no solid ground to rest upon: the only points mooted were the passages in Leviticus, which were in themselves extremely doubtful; and if the Hebrew nation was referred to it would be found that they held an opinion directly the reverse of what had been stated. He was acquainted with the working classes, and he must tell the House that the Act, in reference to their happiness, had worked most injuriously. He could show a number of instances where the parties were not aware of the Act, and also instances where parties finding that they were not bound by the most sacred of all ties, had repudiated their offspring. He felt that their legislation should have for its object the happiness of the whole community, and not of a sectional part of it; and he could assure the House, on the part of the dissenting community, that through the length and breadth of the land, this law was repudiated. It was not based on sound principle; its object was not the welfare of the whole community; and it was inoperative in its working, for it did not check that which it was intended to check. Believing that it was not based upon the word of God, and that it had not its foundation in necessity, moral, political, or otherwise, they demanded that a law hastily and unwisely enacted should be annulled.

MR. NAPIER agreed with the hon. Gentleman, that if they legislated at all upon this subject, they should legislate for the welfare of the great body of the community. He found on the face of the report that almost the entire people of Ireland and of Scotland, and a large body of the people of England, were against this measure. He might, on that ground alone, ask, why were they to legislate for the benefit of a few who, from ignorance or from contempt of both human or divine laws, had contracted this relationship? With regard to Ireland, he was not acquainted with a single individual, whether a member of the Established Church, or of the Roman Catholic Church, or a Presbyterian, who had expressed an opinion in favour of this Bill. He agreed that they should legislate for the welfare of the great body of the community. Now, it was admitted in the report of the Commissioners, that almost the entire people of Scotland and Ireland, and a large portion of the people of this country, were against this measure. In fact, they were called upon to pass this Bill to carry out the objects and purposes of a few individuals. In Ireland, a great majority of the Established Church, and also the ministry of the Presbyterian Church, disapproved of these marriages. Amongst the laity of the united kingdom, said the Commissioners, there were differences of opinion on the subject of these marriages; but they thought the prevailing opinion was against them. It could not be said there had not been ample time for the consideration of this question; and yet, would any hon. Member stake his reputation for accuracy on the assertion that the majority of the people were in favour of this measure? As far as Ireland was concerned, he could say, that both with regard to the Established Church and the Presbyterians, he had not met one single individual with whom he was acquainted who was in favour of it. In fact, every one with whom he had conversed on the subject, was adverse to it. They had the concurrent testimony of all Christian churches against the principle of the Bill; and the only sect of the Jews, which adhered to the text of Scripture in that respect, agreed with the Christian churches. He now came to the question of the retrospective effect of this Bill. What did the Commissioners say upon that point? They said, that with regard to marriages contracted since Lord Lyndhurst's Act, very few had taken place among the poorer classes. If that were so, what an example were they setting to the community? They had persons in the better ranks of life violating the law of man, and that which was believed by a large proportion of the people to be the law of God; and that was to be sanctioned! Let them legislate as they would in this matter, there would still be this mischief, that they never could convince the great body of the people of the united kingdom that these marriages were consistent with the law of God, whilst they would at the same time derange the whole structure of society. Upon these grounds he had no hesitation in supporting the Amendment of his hon. and learned Friend.

MR. COCKBURN said, he was not disposed to follow his hon. and learned Friend who had just addressed the Committee, in addressing himself to the principle of the Bill. They were all agreed to discuss the question on the supposition that the principle of the Bill had been admitted on the second reading; and the question then was how far they could adopt the clause before the Committee. The principle being adopted, he took it the measure was to pass; and the question then was, whether they would give it a retrospective and retroactive effect. He wished to know why they should not. The hon. and learned Member for Abingdon had inveighed against legitimising marriages contracted where consanguinity existed; but this measure proposed to do no such thing. Because whatever feeling of compassion they might entertain for the issue of such marriages, in a legitimate point of view, nevertheless these marriages were contrary to human and divine law, and no legislature could adopt them. The present was a different case, for here they were called upon to adopt the principle of legitimising in prospective. They all knew that in Scotland a man might, a few hours before death, after having lived during his life in a state of concubinage with a woman, marry that woman, and their children were consequently legitimised. Therefore the idea was not at all so monstrous as his hon. and learned Friend would wish to make it appear. By the present Bill they did not contemplate validating marriages contracted within the prohibited degrees of consanguinity, or the marriages of parties who had previously lived together in a state of concubinage—therefore the argument did not apply. It was proposed by the Bill to legitimise a certain class of marriages; and the question then was, would they extend its provisions to such marriages as took place since 1835? When that measure passed the House, it was on the distinct understanding that it should not be considered as conclusive of the question, which should again be open for reconsideration by that House. It was well known that when Sir William Follett pressed the Bill on the House, and when it was suggested as an argument against it that it would have the effect of altering the law, his answer was, that its object was to secure the validity of marriages that had already taken place, under the existing state of the law, and to prevent parties who had contracted such marriage being questioned as to the legitimacy of such marriage or its issue. He also said, "Let it pass, but on this principle, that whenever the question shall be brought before the House, it shall be considered an entirely open question." In consequence of that, many parties had contracted such marriages. As the Act had reference only to marriages solemnised within the realm, many parties were advised that by repairing to Germany or Denmark, and marrying there, such marriages would be legal, and, consequently, such marriages were contracted in those countries. He was aware that the Lord Advocate of Scotland admitted, in his evidence before the Commission, that the law of Scotland was extremely doubtful on the point, as to whether a marriage of this description, solemnised in Scotland, was legal; but there was no question whatever that marriages contracted on the Continent were perfectly legal. His hon. and learned Friend the Member for the University of Dublin had talked of such marriages as being opposed to divine as well as human law. Now he wished to know how that could be said, when the opinion of the Church, as well as of the community outside it, was divided on the matter; and, therefore, how any such assertion could be made, was to him (Mr. Cockburn) perfectly monstrous. Let them, if they would, discuss the question on social or moral grounds; but certainly such assertions were not justified by the facts before them. The same hon. and learned Gentleman asserted that the churches in all ages of Christianity were opposed to such marriages. Now the hon. and learned Gentleman might have abstained from that assertion, because it had been declared by the hon. Gentleman who preceded him (the hon. Member for Norwich), that the Dissenters were perfectly unanimous in favour of the measure; and such being the case, it was not competent for his hon. and learned Friend to assert that the universal Church condemned the principle of the Bill before them. For the present, it mattered not what the opinion of the Church or the Dissenters was, because, the principle of the Bill being adopted, he assumed it was to pass as regarded future marriages; and the only question then was, whether they should apply the principle of the measure to marriages that had been contracted since the Act of 1835. Though they had been in the habit of regarding marriage more in the light of a religious ceremony than a civil or legal contract, yet it would be in vain for them to pass prohibitory laws, if the matter were in any way left in doubt. If other countries sanctioned these marriages, and if by resorting to those countries marriages of validity could be solemnised—and that the consciences of the parties felt at ease, and free from the idea that they were living in concubinage—they would not hesitate to violate any law to the contrary, particularly when they felt that the instincts of human nature acted in unison with their conscientious convictions.

Mr. W. P. WOOD would not argue again the principle of this Bill; but, as the right hon. and learned Gentleman the Member for Bute had made a pointed allusion to one part of what he (Mr. Wood) had stated on a former occasion, which involved a question of fact, perhaps the House would allow him to make a few observations upon it. It was indeed a monstrous fallacy to say that this was a Bill for the poorer classes. That there were one or two rich men who were deeply interested in it, he well knew; but there never was a more monstrous fallacy than the assertion that the poor were in the least degree interested in it. Now what he had stated on a former occasion was this: that in the parish of St. Margaret, Westminster, or at least in that parish and St. John's, there were between 20,000 and 30,000 poor—if he had spoken of all classes he should have said 60,000, for that was the population—but he spoke only of the poor; that he had taken great pains to obtain information on the subject from persons who were in the habit of mixing among the poor, being employed in distributing charity, which alone was a proof that he was speaking of the poor; and that he had discovered only one case of a marriage of this kind. The right hon. and learned Gentleman said there were twenty-one such cases, but they were marriages amongst all classes. [Mr. S. WORTLEY: No! I spoke of small shopkeepers and artisans.] But the small shopkeepers were a very wide class, and persons who were employed in distributing charity would not be likely to go amongst that class—they were not the poor. The poor were the labouring classes. Now, the Commissioners in their statistics gave 1,500 of these cases, and only forty amongst the poor; by the poor he (Mr. Wood) meant labourers and mechanics. That was about 1-35th of the whole number; and if the right hon. and learned Gentleman took the twenty-one cases in the families to which he (Mr. Wood) had referred, 1-35th would give him not one case among the poor. He knew that there had been a great many pamphlets in circulation, and advertisements in the public newspapers on the subject. A gentleman did him the favour to send him a copy of the *Times*, containing an advertisement in favour of the Bill, and on the following day he was likewise complimented by receiving a copy of the same advertisement, printed on a handsome sheet of paper. The letter was, he believed, written by a respectable person, an agent for a missionary society, and it stated that there were three other instances of these marriages to be found amongst the poor in the two parishes to which he had referred. Admitting that statement to be correct, it would then appear that there were only four such marriages in a population of 30,000. Under these circumstances, how could it be pretended that there was a case of enormous grievance as regarded the poor under the existing law? It ought, perhaps, to be stated, that although he was willing to admit the statement respecting the three marriages, it was impossible to subject it to the test of accuracy, because when inquiry was made for the names of the parties who had contracted the marriages, the informant said he did not recollect the names in a single case. A clergyman in the Potteries had also written to him, stating that he knew of many cases in which men had married two sisters, one after the death of the other, and that he had performed the service in one such case himself. He (Mr. Wood) said, he was sorry to find that the rev. gentleman had gone through the marriage service in such a case, because he knew that he ought not to have done so; however, he accepted it as a fact, and would be much obliged to him if he would furnish him with the names of the parties who had united themselves in the other cases. After he had made that request, he never heard from his rev. correspondent again. These circumstances confirmed the opinion he had formed, from his own observation, namely, that few of these unions took place amongst the poorer classes. Indeed, it must strike every one that poor men had seldom an opportunity of marrying a deceased wife's sister, for in consequence of the poor, generally, marrying while very young, it was extremely rare that on the death of a wife she left a surviving sister unmarried. The hon. and gallant Colonel the Member for Bradford, maintained that it was proper to legislate *ex post facto* in favour of persons who, he said, had violated an unjust and immoral law. Now the law which the hon. and gallant Member treated in this off-hand manner had endured only from the time of the Heptarchy! For his part he thought the law was very just and moral, and hoped that the Legislature would never permit it to be altered. The proposed change of the law was defended on the plea that it was desirable to do justice to the children who were the result of these illegal unions. The hon. and learned Member for Abingdon had so ably disposed of that point, that it was unnecessary to dwell upon it further than to remark, that the hon. and gallant Colonel himself was disposed to inflict what was called injustice upon one class of children. The Bill of last year proposed to legalise marriage with a wife's niece. The hon. and gallant Colonel, it seemed, had a particular fancy against that description of union—he used the word "fancy," because the hon. and gallant Colonel discarded all religious considerations with reference to this question; nevertheless he declared his intention to vote against the third reading of the Bill, unless the sanction which it gave to a marriage with a wife's niece should be struck out in the Committee. It was probably in order to satisfy the hon. and gallant Member's single scruple of conscience that the clause for legalising marriage with a wife's niece was omitted from the present Bill. The consequence would be, that the children, the fruit of such unions, would continue subject to the same injustice which in the case of other children was urged as a reason for adopting the measure. That was not the only exception; the Bill teemed with exceptions, and a remarkable one was to be found in the clause then under the consideration of the Committee. If, in addition to establishing a connexion with his wife's sister, under form of marriage, a man should be guilty of the further immorality of deserting that woman, and marrying another, the clause declared that the union with the wife's sister should not be a marriage. In this case no pity was shown for the offspring of the union. Exceptions and inconsistencies of a like nature were to be found in Clause 4, relative to property and honours. It was a matter of surprise that the right hon. and learned Member for Buteshire should have referred to the alteration in the Marriage Act relative to minors, as a precedent for the change now proposed to be made in the law. Marriage with a woman under age was, in itself, neither an immoral nor an irreligious act, although it might be attended with social inconvenience. Experience satisfied the Legislature that it would be less injurious to society to legalise such marriages, than to afford designing men an opportunity of entrapping girls into unions, and subsequently turning them adrift; therefore, the marriages were made valid, whilst parties contracting them were rendered liable to punishment. It was preposterous to pretend that the cases were parallel. If this Bill should pass, Parliament would not be allowed to stop here. Step by step the Legislature would be drawn on to legalise marriages of blood relations.

MR. ROUNDELL PALMER said, the question was whether they would or would not accede to the views of the hon. and learned Member for Southampton, namely, to recognise in a subject of the realm the right to say that the duty of obedience to statute law must be limited by the extent to which the consciences of individuals recognised the law as binding upon them by a higher direction than that of an Act of Parliament. In other words, was Parliament prepared to abdicate its right to legislate upon this subject? They were called upon to say that if a number of persons differed upon a theological point—if they prohibited any marriage upon the propriety of which there was a difference of opinion—he begged of the House to mind the steps in the argument, first, to eliminate a theological difference of opinion—then it was set forth the divine law was not distinct, as there was such a difference—that being so, the moral obligation to obey the law of the land ceased—that the disobedience was innocent and even laudable, because it was according to conscience; and, finally, that Parliament was bound not merely to alter the law, but to give retrospective validity to illegal acts. Where was that principle to end? They might depend upon it that the relaxation would not end here—it went much further than this measure. Did not Parliament consider that marriages came fully under their consideration? Had they not enacted that bastardy arose from neglected formalities and arbitrary regulations? Take the difference between England and Scotland. In Scotland the marriage contract was performed without going to the registrar, if the parties were desirous of living together as man and wife, and recognised each other as such. A marriage was thereby constituted, and the children born before and after marriage were legitimate. In this country it was different; and who would say that the regulations we imposed were not salutary and useful? By the principle they were asked to sanction in this clause, they were, in truth, holding out a premium for disobedience—a positive inducement to disobey the law—nay, more, pointing out to the Queen's subjects the mode in which the law could be evaded. Sanction this clause, and all that would be considered necessary was, to get a sufficient amount of money—procure some agitation

—get some lawyers to travel over the country to collect what was called evidence—advertise well in the newspapers—let men disobey the law in the first instance, and the result would be that, the law having been disobeyed, Parliament would be called upon, upon expediency motives, to alter it, and those who had violated the law would reap the fruits of their disobedience. The hon. and learned Gentleman the Member for Southampton had stated that counsel had given opinions that such marriages were legal if solemnised in Scotland, or on the Continent; and he suggested that, because lawyers had given such opinions, there must be some doubts upon the construction of Lord Lyndhurst's Act. He (Mr. Palmer) denied that there was any doubt whatever about the law—there was no pretence for a doubt. He knew very well that in this country lawyers would be found to give any opinion they wished upon any question. He would tell them the way to obtain such opinions. Choose the man who you think will give the opinion you wish for, whose mind and inclinations are in that direction—or get the opinion of a man who had but little experience or practice in the law—or a man who went about the country to collect evidence, and whose opinions were thereby warped—or place the case before an eminent man who from the press of business had not time to read up the matter—in any of those cases they might obtain a favourable opinion. But what was the fact? It did not appear that, with one exception, they had obtained an opinion favourable to such marriages from any eminent counsel but one, and that one who was now one of our most honest and upright Judges, when he reached the bench, agreed with his learned brethren, and thereby admitted that the opinion he had previously given was an erroneous one. Upon all these grounds, and believing the Bill bad in principle, he felt bound to support the Amendment of his hon. and learned Friend the Member for Abingdon.

Mr. BOUVERIE said, he was not going to make a speech on the subject again. He had already expressed his opinions and given his vote against going into Committee on the Bill. He, however, now considered that the question as to the principle of the measure was settled, and that they might, therefore, take it for granted that it would pass and become an Act of Parliament. The simple question was, whether the proposition of the right hon. and learned Member for Bute was correct; and, upon the whole, he (Mr. Bouverie) felt he ought to support the Bill. It would certainly inflict an injustice upon the offspring of those marriages. There was no question about punishing parents; the only question was as to the punishment inflicted on the children. It was the duty of the Legislature to see that the children of those marriages were not prejudiced or injured, as they were the fruits of connexions now declared to be legitimate and proper. Although he had voted against the principle of the Bill, he now felt he ought to support the proposition of the right hon. and learned Member for Bute.

Mr. DRUMMOND thought the Committee had involved itself in considerable difficulty by not discriminating the religious from the social part of the question. He did not understand how it was possible, if the Bill were passed, because hon. Members believed it to be according to the law of God, that they should declare the children of those who had formed these connexions illegitimate. He did not understand how they could say that such connexions were according to the law of God at one time, and not at another time. He would not admit that the Bill was to pass and become the law of the land. If no one else did so, he should divide the House against the third reading, and take every advantage that he could to destroy the Bill in Committee. But he could not see on what ground they could refuse to legitimatise the children, if from this moment they sanctioned these connexions; that, he agreed, was a mere act of justice to all those who were innocent. But hon. Members had taken ground considerably too high, and when they said the religious part of the question was given up, he begged to inform them that he wholly disputed their power, right, authority, and capacity, to interpret the word of God. The will of God would remain what it was, whether they voted one way or another. They said the Church was divided on the subject. So long as the Church could express unity, her voice was unanimous in condemning these marriages. If they wanted to know what was the opinion when the law was first given, they must look to the interpretation of those who lived nearest to the time; and from that hour down to the Reformation there never was a question on the subject. Seeing the whole people of Scotland were so violently opposed to this measure as he knew them to be—looking to the similar opinion of the great majority in this country, for he had never met, out of that House, one person in favour of the Bill—["Hear!"]—others might live in different society—when he was told that the great majority of the Dissenters in this country were in favour of the Bill, though their opinions were ordinarily much more in harmony with the opinions of the Church of Scotland than with those of the Church of England, he must confess his belief to be that the popularity of the measure in that House arose from its being thought another stab would by this means be given to the authority of that Church; and that more on that ground than on any other the measure had received any sanction.

MR. HEALD bore personal testimony to the fact, though the hon. Member for West Surrey might not be aware of it, that marriages of this kind had taken place for years past to a very great extent; and he also expressed a conviction that a petition which he had presented from Stockport, in favour of the Bill, signed by the mayor and 500 of the principal inhabitants of the town, correctly represented the feeling of that borough. He should therefore vote in favour of the innocent persons specially contemplated by the clause under discussion.

MR. C. ANSTEY denied that the concurrent judgment of recognised Christian churches was against marriages with a deceased wife's sister. Unless the Church of Scotland, which was divided into two sections, had declared itself against them, no recognised church had expressed an opinion. The Church of England, according to the statement of the hon. Member for Surrey, had no organ by which she could express an opinion, or determine any question with respect to discipline or doctrine whatsoever. The opinion of the Roman Catholic was explicit. In Ireland, where the genius of the people did not favour such marriages, whether the people were Protestant or Catholic, they did not take place; but elsewhere they were as common as among persons who were not of the Roman Catholic faith. Dr. Wiseman declared, that as Vicar-Apostolic of the Pope, he had to grant, for such marriages, hundreds and hundreds of dispensations. [MR. DRUMMOND: Hear, hear!] So profound a canonist and theologian as the hon. Member for West Surrey knew that a dispensation could give no relief from the prohibitions of the law of God, but only from the prohibitions of the Church. The prohibition was imposed for wise social ends, and for equally wise ends the power of dispensation was reserved to the Church. A dispensation was equally needed in the case of first and second cousins. The Roman Catholic conscience in this country had not had time to conform itself to the morality of their recent legislation. But was the law of the country in antagonism to the law of God on these marriages before the 5th year of William IV.? Did the country first become Christian, making its laws conformable to the law of God, in 1836? With respect to the social consequences, he knew a case which had occurred since that time, of a man who by the first wife had no children, by the second a large family. Those children were bastards, not by common law, but by the statute of William IV., that sacred Act, the proposal to alter which was held to argue infidelity and blasphemy. In consistency the opponents of the Bill ought to take away the power of defeating the present absurd and oppressive law by testamentary deeds. The parties in the case he had mentioned celebrated the marriage according, not only to their conscience, but the law of their Church—a tolerated, and therefore, according to Lord Mansfield, an established Church — the Church of Rome. He should vote against the Amendment.

MR. MULLINGS called attention to the operation of the clause in cases where an estate had been left to an elder son with succession to his children, and similarly to a younger son. If the elder brother married his wife's sister, were the children of the younger son, not being born of such a marriage, to be affected by the retrospective operation of the clause?

The Committee divided:—Ayes 111; Noes 68: Majority 43.

List of the NOES.

Acland, Sir T. D.
Arbuthnot hon. H.
Arkwrightt, G.
Beresford, W.
Boyle, hon. Col.
Broadley, H.
Butler, P. S.
Chatterton, Col.
Clerk, rt. hon. Sir G.
Cotton, hon. W. H. S.
Cowan, C.
Cubitt, W.
Currie, H.
Dick, Q.
Drummond, H. H.
Duff, G. S.
Duff, J.
Duncan, G.
Dundas, G.
Du Pre, C. G.
Farrer, J.
Fordyce, A. D.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Grace, O. D. J.
Greene, T.
Hamilton, G. A.
Heneage, G. H. W.
Herbert, rt. hon. S.
Hildyard, R. C.
Hildyard, T. B. T.
Hood, Sir A.

Hope, A.
Hornby, J.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jones, Capt.
Law, hon. C. E.
Lennox, Lord A. G.
Lowther, hon. Col.
Lygon, hon. Gen.
Manners, Lord C. S.
Maule, rt. hon. F.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Mure, Col.
Napier, J.
O'Flaherty, A.
Oswald, A.
Palmer, R.
Peel, rt. hon. Sir R.
Peel, Col.
Portal, M.
Pusey, P.
Reid, Col.
Richards, R.
Seymour, H. K.
Simeon, J.
Smollett, A.
Stanley, E.
Stanton, W. H.
Turner, G. J.
Tyrell, Sir J. T.
Vivian, J. E.
Walpole, S. H.
Wegg-Prosser, F. R.

TELLERS.
Thesiger, Sir F.
Wood, W. P.

Sir F. THESIGER said, that this Amendment having been lost, he would not press the others of which he had given notice.

Mr. ROUNDELL PALMER moved the insertion of words limiting the validity of such marriages to all "civil and temporal" intents and purposes.

Mr. S. WORTLEY said, he had no objection to the Amendment, which was accordingly adopted.

Mr. ROUNDELL PALMER said, that although he had given no notice of any Amendment to the remainder of the clause—not seeing how it could be usefully done—yet he could not allow so important a point to pass altogether *sub silentio.* The clause professed to affect the validity of all such marriages where by "verdict, judgment, decree, or sentence in some action, suit, or proceeding, civil or criminal, either in the ecclesiastical courts, or any of Her Majesty's superior courts, the husband shall, in the lifetime of his said deceased wife, have been found or pronounced guilty of adultery with the other party to such marriage." Now he thought that this qualification, while it was a confession of the weakness of the whole case, afforded no remedial power whatever with respect to the mischief in view, because it was well known that, with reference to the poor and labouring classes, there was hardly an instance of a conviction for adultery—the law of divorce in their case being practically a dead letter—and hence it was absurd to insert a qualification, saying that something must be done which in 99 cases out of 100 could not be done. Even in cases where it might be done, the chances were that it would not, and therefore the clause afforded no real practical security whatever against the danger in question. It was clear in the great multitude of cases, where a man had adulterous connexion with his wife's sister, it was not at all probable that they would be prosecuted to a judgment in the courts, and, above all, where the parties belonged to the lower classes. Since the Bill was last before the House, a case had come before the public of a man and a woman having been executed at Cambridge for the murder of the wife of the first, and the sister of the latter criminal, between whom, it appeared, an adulterous intercourse had for some time been carried on. Such a case as that would not be met by this proviso.

Mr. F. MAULE rose to move a proviso at the end of the clause, of which he had given notice, namely, that nothing in this Act contained should be considered to apply to Scotland. His original intention was to put this provision exactly in the same words as it stood in the Act of 1835, from the effects of which Scotland was entirely exempted; and he could not understand upon what ground a country, which was not only opposed to marriages of this description, but in which the marriages were stated not to exist, should be included in this Bill, or why a law should be forced on Scotland to which the whole people were repugnant. He trusted that the House, especially those who had a regard for the opinion of the people, would not stand by and see their opinions entirely set at nought. Let him point out what had happened, not only as to Scotland, but with respect to the whole Presbyterian persuasion. Look at the evidence taken by the commission. Whilst there were witnesses from the Church of England, from dissenting communities, and priests from the Church of Rome, not one clergyman of the Presbyterian denomination had been found to give evidence before the Committee; because it was well known that no Presbyterian minister would be found who would have the slightest doubt on the subject. A public meeting had been held in Edinburgh, and a committee had been constituted to oppose this Bill. An intrusion of a very extraordinary character was made by the paid agents of the supporters of the Bill. The meeting was not a whit the less public because the agents were not allowed to move resolutions. He held in his hand a list of 262 persons, at the head of whom he found the name of the Lord Provost of the city of Edinburgh, and also the Principal of the University, and the representatives of the

Episcopal Church in Scotland. It was signed by the ministers of the Church of Scotland, and by ministers of every persuasion all mingled together; by the sheriffs of Fife and Edinburgh; by numberless magistrates of the city, by professors of law and others. He understood by the petition which was presented from Edinburgh, that the vast body of the community was entirely opposed to the principle of the Bill. He would now refer shortly to the petition presented that day from 6,000 of the most respectable females in Edinburgh, all of whom expressed themselves diametrically opposed to the principle of the Bill, and stated that they looked upon it as one the effect of which would be to destroy the whole fabric of society. He would now call their attention to the feelings of the people of Glasgow, in which place a public meeting was held, at which certain resolutions were adopted in opposition to the Bill. His right hon. and learned Friend the Member for Bute had presented a large petition from Glasgow that night in favour of the Bill. He (Mr. F. Maule) was informed on good authority that some paid agent of the promoters of this Bill had tried to get up a meeting at Glasgow in its favour, and had utterly failed, inasmuch as he was unable to get one single respectable man to preside at it. That being so, this petition had been got up, and he held in his hand a paper stating the manner in which it had been got up. It stated in the first place that a meeting was held for the purpose of opposing this Bill, that Sir James Campbell occupied the chair, and that resolutions in opposition to it were passed without a dissentient voice. It then stated that immediately after a gentleman of the name of Sleigh, an itinerant barrister-at-law in the pay of the promoters of the Bill, appeared at Glasgow, and attempted to get up a meeting; that he could not accomplish his object, nor could he even get one respectable citizen to become a member of a committee to take steps to promote the Bill. It then appeared from this statement that Sleigh employed and paid a sheriff's officer to get up a petition, and hired porters to stand at the corners of the streets, and others to go from door to door soliciting signatures. It was also represented to be a petition on the Marriage Bill; and the placards which were posted about Glasgow in reference to it had the words which conveyed its real tendency so indistinctly printed, that it was almost impossible to tell what its real object was. If that were the fact, it was a confirming proof of the opposition of the people of Glasgow to the Bill, when it was found that not a single shopkeeper there allowed the petition to stand on his counter for signatures. The only public place where it was allowed to stand for signatures was at the Exchange, where no petition could be refused to be received, and even there it got but very few signatures. Such, however, being the way in which the petition was got up, it could not be expected that it in any way expressed the feelings of the people of Glasgow, as a great many had signed it under a false impression, and it could only be held as representing the feelings of a very small minority of the people. With reference to the application of the principle of this Bill to Scotland, he would ask the House what necessity there could be for it in that country? These marriages had never existed there at any time, and the reason why they had never existed stood upon two grounds. In the first place, they were repugnant generally to the feelings of the people; and in the next place they were contrary to, and directly in the face of, the *Confession of Faith* in the Scotch Church. He might also add, that whatever might have been the differences between the Dissenters in Scotland on other matters, they always had maintained, and he hoped they always would maintain, their deep-rooted attachment to the *Confession of Faith.* Not only were these marriages repugnant to the feelings of the people, and not only were they forbidden by the *Confession of Faith,* but he was informed that there was not one instance among the few that had taken place in Scotland of that kind, where the parties who had contracted it had ever been able to maintain their position in the neighbourhood in which they had previously lived. They were always obliged to go to some distant land where the character of their marriage was unknown, and where they were enabled to live in comfort and peace as far as regarded the interference of other individuals. The *Confession of Faith* in Scotland was not only part of the law of the Church, but it was engrafted in and amalgamated with the law of the land. The 24th chapter of the *Confession of Faith,* which related to marriage and divorce, laid down that a man may not marry any of his wife's kindred nearer than those whom he may marry of his own kindred; and that a woman may not marry any of her husband's kindred nearer than she may marry of her own. That was the distinct law which this Act was now introduced to set aside. He did not give up one iota of the grounds on which that law stood; and he would take that opportunity of expressing his confidence in the originators of the *Confession of Faith,* and his belief in the truth of their interpretation of the religious part of the question. He would now remind the House of the sad disasters which must arise in Scotland if this Bill were passed. The hon. and learned Member for Southampton had stated that it was the law in Scotland that in cases where a man lived in a long state of concubinage with a woman, he may at length, at the moment of dying, enter into the bonds of wedlock, and so make the children legitimate. He would ask the hon. and learned Gentleman if he would agree to have the same law extended to England? Would he like to see that system of law established in England which he so condemned in Scotland? He (Mr. F. Maule) did not approve of the continuance of such a law, and he had done all in his power to get rid of it. If the introduction of such a law would be objectionable in England, why should it be insisted upon that for the purpose of assimilating the law, they should extend this Bill to Scotland, and give it the same force there as in England. He had no doubt that the hon. and learned Member for Southampton would refer to the Scotch law; but he (Mr. F. Maule) would call the attention of the House to the evidence of the hon. and learned Lord Advocate, which stated, that so far as the civil courts were concerned, no case of the kind had ever, within his knowledge, been brought before the civil courts in Scotland. He felt that if this law was extended to Scotland, they would hold out to the people additional inducements to stray from the paths of virtue. God knew they had enough of means of that kind in that and all other countries. It might be said, that if this Bill went against the genius of the people of Scotland, they would not act on it; but that was not a sufficient reason to excuse them for giving a plausible pretence for straying from the paths of virtue. In deference to the moral and religious feelings of his fellow-countrymen, he would entreat the House to aid him in rescuing Scotland from such a law as this being inflicted upon it. He held that Bill as obnoxious in a religious point of view; and if he could not succeed in destroying it as a measure in general, he hoped that the House would see the justice of not enforcing it on a people to whom it would cause such a vast amount of pain and misery.

Same Clause, at the end of the Clause proposed to add the following Proviso, "And provided also, that nothing in this Act contained shall be construed to apply to Scotland."

Question put, "That the Proviso be there added."

Mr. OSWALD seconded the Motion; and he did so under the firm conviction that it embodied the wishes of nearly the whole people of Scotland. When the number of petitions that had been presented against the Bill, amounting to 183, with 14,000 signatures, and the other manifestations of public opinion, were considered, no doubt could remain as to the real feeling of Scotland in the matter. It had been said that it was nearly new legislation that was to be repealed; but he did not believe that was the case even in England, and it certainly was not in Scotland. Not a single judgment in a case of the kind could be found in the records of any court in Scotland, for in truth the people never thought of contracting such marriages.

Mr. S. WORTLEY, as the Member responsible for the Bill, and as the representative of a Scottish county, felt called upon to state why he could not consent to exempt Scotland from its operation. He was quite ready to admit that the opinion of a large proportion of the Scottish people was opposed to the measure, and, therefore, as a matter of personal feeling, he should have been very glad at once to have assented to the proposition of the right hon. Gentleman; but he had included Scotland in the measure as the result of strong conviction on the subject, derived alike from his own judgment and from that of others in whom he confided; and were he now to sanction the exemption required, it would be at the sacrifice of his own self-esteem, and of the esteem, moreover, of those who, however differing from him, would, he believed, do him the justice to admit that he was acting wholly from a sense of duty. The right hon. Gentleman complained that no Presbyterian ministers from Scotland had been called before the Commission. Such was quite the case; and, moreover, no evidence whatever from Scotland had been taken, and for this simple reason—that the

Lord Advocate and himself, members of the Commission, already knew quite well that the proposed measure was objected to by a large proportion of the Scottish people, and themselves made the Commission distinctly aware of the fact, thus rendering evidence upon the matter unnecessary. The right hon. Gentleman, however, was incorrect in giving the House to understand that the Scotch people were unanimous, or anything like unanimous, on the subject. It did not suit the dignity of the subject to talk about paid agents; but this fact was certain, that petitions, numerous in signatures, and of unquestionable character, had come up from Scotland in favour of the Bill. It would seem from the right hon. Gentleman that there had been no public meeting at Edinburgh in favour of the measure, but only one against it; whereas the fact was, that the meeting assembled against it was so little of a public meeting at all, that Mr. Russell and another gentleman, who sought to address the meeting for the Bill, were summarily ejected by order of the Lord Provost; a circumstance at once producing so decided a reaction, that in two or three days afterwards a public meeting was held in Edinburgh, at which resolutions decidedly in favour of the Bill were passed: that very day, again, there had been presented a petition from Edinburgh in its favour, signed by no fewer than 5,600 persons; and similar petitions from Ayr, Linlithgow, and other places, the character of which was beyond all controversy. He was of the clear conviction that it was better to pass the measure, with all its sins and imperfections, as an imperial measure, than to have one law on the subject for one part of the kingdom, and another for another—to have the same person held a wife in England and a concubine in Scotland — a legitimate child south of the Tweed, a bastard on its northern bank. He quite admitted that marriages of the kind under discussion had not been frequent in Scotland, but it was altogether a mistake to say they were unknown there; there were examples of people absolutely going to Scotland for the very purpose of celebrating them there. There was no trace even of the prohibition in Scotland until that country came under the rule of the Church of Rome. The *Confession of Faith* of John Knox did not contain one word about any such prohibition; but there was a contemporary Act of Parliament which imposed the punishment for incest upon persons who should marry within the degrees "expressly prohibited by the word of God." In 1840, the learned procurator of the Scottish Church gave a distinct opinion in favour of the legality of these marriages. The present measure differing, however, from that of last year, reserved the *Confession of Faith* of the Scottish Church, and preserved intact the doctrine and discipline of that church. He could only say that if he thought this measure would tend to demoralise the people of Scotland, or to lower the tone of religious feeling in that country, he would rather have his right hand cut off than press the House to give it its sanction.

Mr. COWAN said, he had felt much difficulty as to the course he ought to pursue on this question. Last year he had felt strongly inclined to vote for the Bill of the right hon. and learned Member for Bute; but after more mature consideration, he deemed it his duty to offer to this measure his most strenuous opposition. He had come to this conclusion, because he thought that the 18th chapter of Leviticus established the fact that these marriages were contrary to the word of God, and consequently ought not to be legalised. His right hon. and learned Friend had proposed, in his Bill of last year, to give men permission to marry their wives' nieces; but he had omitted that provision from the present Bill, no doubt from a conviction of the social evils such a permission would entail. The feeling of the people of Scotland, of every religious denomination, was nearly unanimous in opposition to this Bill. He regretted that the right hon. and learned Gentleman had, on a former occasion, spoken of the *Confession of Faith* as the offspring of rebellion and fanaticism. [Mr. WORTLEY intimated his dissent.] He (Mr. Cowan) was glad, then, that he had afforded the right hon. and learned Gentleman an opportunity of disclaiming such an opinion; for he was represented to have said that the second *Confession of Faith* was adopted "in the heat of rebellion, and in the heat, he must say, of fanaticism." He was sure such an opinion would be repudiated by the right hon. and learned Gentleman's constituency. He (Mr. Cowan) considered that *Profession of Faith* one of the most noble monuments to the piety, patriotism, and talent of those men of whom he felt the world was not worthy. It was a profession of the faith under which, with the catechisms then also framed, a people had been trained up to fear God and honour the Queen. They were not so thankful as they ought to be for the happy homes enjoyed by the people of this country. One of the greatest blessings God had bestowed upon them was that of congregating them in families, and that their homes were adorned and blessed by the fairer portion of creation, who stirred them up to deeds of charity and benevolence. He hoped this measure would not be forced upon Scotland against the opinion of the people of that country.

Mr. S. WORTLEY had never used any such expression as that the *Confession of Faith* was the offspring of rebellion and fanaticism. The utmost he had meant to say, was that the *Confession of Faith* was adopted by the Westminster Assembly during the Rebellion, when, no doubt, fanaticism ran high. He regarded that confession as a noble monument of piety, for which he entertained the greatest respect.

Sir F. THESIGER wished to call attention to a statement made in a work referred to by his right hon. and learned Friend the Member for Bute, in which it appeared to him that very great misrepresentations had been made as to the law of Scotland. A letter had appeared in the *Times* newspaper, headed with the significant word "Advertisement," showing that it had been paid for out of the funds provided for promoting this Bill, and signed "A Lover of Consistency," which contained these passages:—

> "It is stated, in an article on collateral affinity in the last number of the *Law Review*, just published, and which I am informed is from the pen of no less learned a person than the Queen's ancient Serjeant (Manning), 'That in Scotland a bastard is allowed, in total disregard of the well-merited rebuke of St. Paul to the Corinthian converts, to marry the widow of his own father; nay, the illegitimate Scotchman is at liberty to marry his own whole sister, the child of his own natural father and of his own natural mother.' Perhaps some of your readers will tell us whether this information may be relied on; for, if so, the Scotch, who are said to evince such horror at the bare idea of rendering it lawful for them to marry their deceased wives' sisters, are indeed straining at a gnat while they complacently swallow a camel, and a dromedary or two into the bargain."

He wished to ask the right hon. and learned Lord Advocate whether there was any ground for this assertion of Serjeant Manning; for a work of high authority, *Bankton's Institutes of the Law of Scotland*, which had been revised by Lord Hardwicke, represented the law as directly opposed to the proposition of the learned Serjeant? He wished to ask whether, in respect of marriage, illegitimate relations did not stand upon precisely the same footing as legitimate relations, though, with regard to succession, there was necessarily a great difference?

The LORD ADVOCATE said, it was not usual to be addressed in the way in which the hon. and learned Gentleman had appealed to him for a professional opinion upon various points of considerable difficulty. The hon. and learned Gentleman could not be so little read in the law of his own country, nor in the law of Scotland, nor in the larger law of Europe, out of which the law of Scotland had principally originated, as not to know it had always been a question of very great difficulty to determine whether a bastard relation constituted any relation whatever. With regard to the authority of Bankton, he would inform the hon. and learned Gentleman that he was not a very high authority; and he (the Lord Advocate) had always held that when such marriages as were now the subject of discussion came to be investigated, either in the civil or criminal courts, it would turn out that the marriage contemplated in this Bill was in Scotland a lawful marriage; and he had good reason for saying that that was the opinion of an hon. baronet, than whom no person ever stood higher in the Church of Scotland—Sir H. Moncrieff. The question had not been tried in the civil courts; and, with regard to the criminal courts, there were two statutes, which were passed in the year 1567, which affected the question. One of these statutes said that marriage should be as free as the law of God had made it; and the other, that every person who married within the degrees forbidden in the 18th chapter of Leviticus should be deemed to commit incest, and suffer death. The 18th chapter of Leviticus was therefore adopted into the law of Scotland, and the criminal courts would put their own construction upon it; on the other hand, the law of Scotland said marriage should be as free as the law of God had made it. He could only say that, after having used all diligence in the inquiry, he had come to a deliberate opinion, that these marriages were not forbidden by the law of Scotland. With regard to the particular question of exempting Scotland from the operation of the measure, if it were possible, in a case involving a question of such a crime as incest—and he could bring himself to say that what was incest upon one side of the Tweed would not be incest upon the other—he would at once say, let Scotland be exempted from the operation of the Bill. If the measure were for the general interest of the empire, then he could not consent to exempt Scotland from its provisions. He could not consent to a state of things so monstrous as to allow that in England to be free, which in Scotland he would condemn as incestuous. He should say, with all deference to the opinion of his right hon. Friend the Secretary at War, that of all the propositions which he had heard maintained during the discussion, the present appeared to him the most utterly indefensible, as it declared that what was good for England was not to be good for Scotland.

Sir F. THESIGER hoped the learned Lord would not think he had been called upon improperly. Certainly the Committee must feel obliged by the learned Lord's remarks having been elicited. He (Sir F. Thesiger) had not intended to offer an opinion of his own on a question of Scotch law. All he had done was to cite the opinion of another (Serjeant Manning), whose authority was admitted to stand very high.

Mr. ROEBUCK said, he admitted all the strength of the arguments that had been used by the learned Lord Advocate, with respect to the propriety of extending to Scotland, as far as it might be practicable to do so, the legislation which was applied to England. He entirely concurred with the learned Lord that it was highly inexpedient that there should be one law for Scotland and another for England upon a subject on which it was but natural to suppose that the populations of each country, being in an equal state of civilisation, should think alike, and in respect of which it was likely that they should feel an equal degree of interest. But had they taken into consideration the feelings of the people of Scotland on this measure? That the people of Scotland were almost unanimous in their hostility to it, was a proposition from which few would have the hardihood to dissent. Why, then, should such an obnoxious enactment be thrust upon the Scottish people? Why was the House asked to make this alteration in the law? Who called for it? What was the pressing necessity which rendered it imperative on the Legislature to change the law of marriage? Was there anybody there who would press that necessity and explain it? The fact was that certain persons had contracted marriages against the law—they had broken the law; and what was the House asked to do? Why, to alter the law in order to meet the case of those who had deliberately violated it. Mark how all the feelings that ought to govern us had been perverted and turned from their righteous purpose, in order to advance this singular project. Some men, under the influence of ungovernable desire, had broken the laws of the country—others contemplated doing so. There was no mitigation in their offence, it admitted of none—there was no reason or palliation for it, and yet the men who had thus audaciously offended, had the presumption to come to that House and talk about invasions on the rights of conscience. They would have the House to believe that this sister who was so anxious to become a wife, was a person who was entitled to their sympathy, and had the strongest claim on their friendly consideration. He denied it entirely. He was of opinion that such a woman was precisely the kind of person who had less claim on the favourable consideration of that House than, perhaps, anybody else in the community. There was no sufficient cause to alter the law. Who were they who were desirous that it should not be altered? A whole nation—a large portion of the male inhabitants of this country, and almost without an exception the whole of its female population. Again, he asked, why were they called upon to change the law? Was there any public demand for it—was there any pressing necessity which would justify the House in attempting an unexampled invasion on the present state of the law? He denied it. They who called for the innovation were persons who felt that their unlawful desires were checked and coerced by the Act at present in operation, and who longed for such a modification of the law as would enable them to gratify their unholy propensities. Those who protested against the measure were called enemies of religious freedom; but he confessed he was at a loss to understand what connexion could possibly exist between religious liberty and the objection which, upon a ground of ordinary policy, he conscientiously entertained against allowing a man to marry his deceased wife's sister. He could not understand such logic; but this he saw clearly, that by the change they were about to introduce, they would sow dissensions and heartburnings among many families which now lived together in amity and affection. He believed that, under the pretext of doing a benefit, they were about to inflict a serious mischief—he believed that, under the pretext of securing an effective guardianship to orphan children, they would deprive them of the tender solicitude of the most affectionate of guardians—the sister of their dead mother. They would transform her from a kind and beneficent aunt into a callous and heartless stepmother, who would look upon her own children with feelings very different from those with which she would regard the offspring of her deceased sister. They would excite conflicting feelings in bosoms which, until now, had not known a contest; and they might take his word for it, that, however well intended their legislation might be, jealousy, disunion, and rancour would follow in its train.

Mr. COCKBURN would not follow the hon. and learned Gentleman into a disquisition on the general merits of the question; but he was prepared to contend, in reference to the proposition at present under consideration, that the principle of the measure having been affirmed, it ought to be extended to Scotland as well as to England. The reason why he thought so was, that it was highly inexpedient, impolitic, and inconvenient that there should be any discrepancy between the laws of both countries on such subjects. As these marriages were unknown in Scotland, there was no practical necessity why the measure should be extended to that country; but there was the strongest possible necessity why the general principle of having the laws of both countries uniform should be recognised. It was impossible to exaggerate the amount of misery and distress which had been occasioned in numerous families by the difference at present existing between the laws of divorce in England and in Scotland. He knew an instance himself, where a man who was married in England, and went to reside in Scotland, was divorced from his wife in the Scotch court upon the plea of adultery. He came back to England and married a second wife, and, being tried in England for bigamy, was sentenced to transportation, and sent to the hulks. The sentence was approved by the twelve Judges, and yet there was no question that, according to the law of Scotland, the judgment of divorce which had been passed upon him was in that country, at all events, a complete liberation *e vinculo matrimoniæ.* It was of great importance that, upon questions such as this, the law should be identical in two countries which were divided by what was little better than an imaginary border. If it was true that the repugnance against such marriages in Scotland was absolutely unanimous, there need be no apprehension that the passing of such a measure as the present would occasion such alliances; and if, on the other hand, there were some persons in Scotland who were desirous to contract such marriages, the House might rest assured that they would not be deterred from doing so by the proposed exemption. They would cross the border, and contract the marriage where it would be legal by the *lex loci.*

Mr. ROEBUCK explained. He had not argued against extending the Bill to Scotland, but that the strong feeling of the Scotch people against it called on us to consider before we passed it at all.

Sir G. CLERK rose to bear his testimony to the feeling with which the Bill was regarded in the country with which he was connected. It was indeed almost unnecessary for him to do so, for the Lord Advocate admitted that it was with great pain he felt himself bound to vote for a measure so distasteful to Scotland. He must ask the House of Commons on what ground they were going to force on the people of Scotland a Bill so abhorrent to their feelings? He acknowledged the great inconvenience of differences between the laws of the two countries, and would desire to assimilate them, were it not that he was met by a principle infinitely greater than any temporal or civil inconvenience. The Scotch people were convinced such marriages were forbidden by the law of God; and, divided as they were on religious, political, and ecclesiastical questions, in that opinion they exhibited the greatest unanimity. When the people presented petitions in favour of the Bill, they were led to believe that it was merely to repeal Lord Lyndhurst's Act, and to replace the law on the same footing as before 1835. It was held in England, that though these marriages were voidable before the ecclesiastical courts, they were valid if one of the parties died before the action was brought. That never was the case in Scotland; and ever since the Reformation these marriages had been expressly forbidden both by the *Confession of Faith,* and by the Acts relating to it. The right hon. and learned Lord Advocate stated there were very grave doubts if these marriages were contrary to the law of Scotland, and had quoted the opinions of the Scotch bar, that marriages should be as free as they were allowed to be by the word of God. But the extension of the degrees within which marriages could be contracted after the Reformation took place, in order to remove the great restrictions which had existed under the Roman Catholic law, and the *Confession of Faith*, left no doubt as to the intention to limit all marriages within the true doctrine of the word of God. He would give his opposition to the proposed extension of a Bill to Scotland which was regarded by the Scotch people with the greatest repugnance.

COLONEL THOMPSON said, it was from recollections of the many Scotch and Irish friends with whom he had been associated, that he heard with pain the constant demands for excepting first Scotland and then Ireland from Bills evincing the advancement of the age. As an Englishman he was proud to believe, that history and facts proved that England kept the lead; though he was ready to avow she owed it only to the chance of Agricola having established his normal schools in that portion of the empire. As regarded the present Motion, he would entreat English Members not to go to the division with the impression on their minds that the whole of Scotland was opposed to the Bill, and in favour of the present Motion. The people of Scotland were under strong ecclesiastical influence. He never had met with a Scotchman abroad, who did not avow that in that country the people were under an overbearing ecclesiastical power. It happened to him to have been at Edinburgh on a Sunday, and, having no other day, he visited a friend in Princes-street. They had knotty points to settle, connected with dry questions of mathematics started by Pythagoras. For the elucidation of these, it was desirable to put down some keys on the pianoforte. They were not going to play *Cosi fan Tutti*, nor *La ci darem*, but only to put down a key or two for demonstration. His friend, however, reminded him they were in Edinburgh, and he should feel the consequences of music being heard in his house, though the other culprit might be going away. Now both of them believed that the sabbatical observance in question was not only not in the scriptural rule, but that it was entirely unscriptural and anti-Christian; and they would either of them have gone to the stake upon the question, as readily as on any other, if they had lived in the burning days, though he would not undertake to say how much that readiness would be. But was not this persecution? Was it not the tyranny of a majority over a minority? He mentioned the occurrence as a proof of the power exercised over the mind of Scotland. But, did any one believe that there was not in that country a strong and struggling minority against such power? He would unhesitatingly assert that there was a strong and struggling minority which looked to English Members to support the present Bill.

MR. F. SCOTT moved that the Chairman report progress, and ask leave to sit again.

MR. F. MAULE hoped the hon. Gentleman would not persist in his Motion. He (Mr. F. Maule) had seen no reasons why this clause should be agreed to. The Bill was altogether obnoxious to the people of Scotland, and no sister-in-law could live in the house of her deceased sister's husband if it were known that she was at liberty to marry him. The children of the widower would be thus deprived of that protection which they at present enjoyed under the conviction that any marriage between the sister-in-law and the widower would be an incestuous connexion, not only by the law of God, but also by the natural feelings of man.

MR. SCOTT would not press his Motion.

The Committee divided:—Ayes 137; Noes 144: Majority 7.

Clause, as amended, agreed to.

House resumed.

Committee report progress; to sit again on Thursday, 13th June.

COURT OF PREROGATIVE (IRELAND) BILL.

Order for Second Reading read.

MR. KEOGH moved the Second Reading of this Bill, the general principle of which was to establish a general court of probate for the whole of Ireland, and to effect certain alterations in the mode of procedure of the court.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR R. H. INGLIS said, the Bill proposed to effect extensive changes, and he thought it very unseemly to attempt to pass the second reading of such a measure at that hour of the morning.

Mr. KEOGH said, he merely asked the House to affirm this principle, namely, that the ecclesiastical courts of Ireland ought to be reformed.

Mr. MONSELL could assure the hon. Member for the University of Oxford that in Ireland the feeling was unanimous in favour of the Bill, and they were very anxious to have it passed into a law. The abuses that it proposed to correct were universally admitted. As his hon. and learned Friend had given a distinct promise that he intended to move that the Bill be referred to a Select Committee, he trusted that the hon. Baronet would not persist in his opposition to the second reading.

Mr. GOULBURN said, the mere assertion that this was a measure of reform ought not to be sufficient to induce the House to assent to its second reading. A measure of reform might be passed in a hundred different ways; and he thought that one o'clock in the morning was not a fitting hour to discuss which of those ways was the most advisable. He therefore trusted that the hon. and learned Gentleman would not press the second reading of the Bill on that occasion.

Mr. C. ANSTEY said, when this Bill was last before the House it was postponed on the application of the hon. and learned Member for the University of Dublin, who grounded that application on the supposition (for it amounted to no more) which he then expressed, that if certain parties in Ireland were consulted respecting it, he might feel it his duty to offer objections to it. Those parties had had ample time to consider the measure, and the result was that the hon. and learned Member for the University of Dublin had that night laid on the table of the House a petition from parties who would be affected by the Bill, praying that when the Bill went into Committee their interests might be considered. His hon. and learned Friend, therefore, had no opposition to offer to the second reading of the Bill, as he admitted that its principle was just; and he hoped that the hon. Baronet would consent to withdraw his opposition.

Mr. NAPIER was bound in candour to say that many of the details of the Bill were extremely objectionable. He admitted that in many respects the jurisdiction in question required reform. He thought it was the duty of the Government to take charge of so important a measure as the present. He had no objection to offer to the second reading, on the understanding that it should be referred to a Select Committee.

Mr. REYNOLDS had read the Bill, and he felt no hesitation in saying that although some of the clauses would effect an improvement upon the administration of the law in the Prerogative Court of Ireland, he believed that other clauses would prove most prejudicial to the public interests. He could scarcely find words sufficiently strong to express his surprise that any hon. Gentleman should attempt to obtain a second reading of such a Bill at one o'clock in the morning. He found in the Bill a proposal to increase the salary of the present Judge of the Irish Prerogative Court from 3,000*l.* to 3,600*l.*, whilst in the same Bill there was a proposal to diminish his labour. The Bill also proposed to vest an enormous patronage in the Judge. It proposed to give him precedence of the several judges of the superior courts of Ireland. Yes, a mere ecclesiastical judge was to be raised over the heads of nine bigwigs at one o'clock in the morning. The Bill proposed to appoint two registrars of the court at 700*l.* a year each, and a taxing officer at 400*l.* a year, although they had already three taxing officers in Ireland at present who were only half employed. He had been charged with an anxiety to "take a pull at the Exchequer;" but all his efforts in that respect were completely thrown into the shade by this Bill. It was "a pull at the Exchequer" with a vengeance. He thought that such a question as this ought to be left in the hands of the Government. There was certainly one part of the Bill of which he approved—namely, the part which proposed to open the practice of this court to men not only of his religious persuasion, but to men of every religious persuasion. That, he thought, was an improvement; but it was like one grain of wheat in a barrel of chaff. It was very difficult to find anything valuable in the Bill, and he should therefore conclude by moving that the debate be adjourned.

Motion made, and Question put, "That the debate be now adjourned."

Mr. BOUVERIE hoped that the House would assent to the second reading of the Bill, as he believed that it would be a great improvement on the present system. He did not believe that the Government had any disposition to deal with the question, and he hoped that the hon. Gentleman would persevere with it.

COLONEL CHATTERTON was decidedly opposed to the Bill.

SIR R. H. INGLIS thought that the hon. and learned Gentleman the Member for Athlone ought, in the first instance, to have moved that the administration of ecclesiastical law in Ireland be referred to a Select Committee; and after that Committee had reported to the House, he could present the present Bill for their adoption, or such a measure as might be recommended in the report of the Committee.

SIR G. GREY thought the hon. and learned Gentleman had taken a course which was not unusual. They were, in fact, not called upon at one o'clock in the morning—as had been alleged—to fix the salaries of the Judge in question, and officers acting under him; the question was one of detail, and could be disposed of in Committee. He had heard no objection stated to the principle of the Bill. With regard to the Government taking this matter into their hands, he must make the same reply as he had already made with regard to the English ecclesiastical courts—namely, that there did not appear to be sufficient time this Session fully to prepare a measure on so important a question. He thought that the House ought to assent to the second reading of the Bill, on the understanding that it was to be referred to a Select Committee.

MR. GROGAN said, there were two money clauses in the Bill, and it was therefore of importance that the Government should pay particular attention to it. Would the Government have any objection to permit the Committee to examine witnesses from Ireland who were practically acquainted with the workings of the ecclesiastical courts, if the Bill should be referred to a Select Committee?

SIR G. GREY said, it was for the Select Committee to say whether or not such witnesses should be examined, if the House should give them the power of summoning witnesses. He could not give any undertaking on the part of the Government to take up this measure.

MR. KEOGH said, he had been prevented from stating the principal provisions of the Bill by the impatience of hon. Gentlemen, who met his attempted explanation of the Bill by cries of "Move, move!" As to the proposed increase in the salary of the Judge, that, of course, would be left to the discretion of the House; but he might observe that the Bill would materially increase the labours of that functionary, as it proposed to abolish twenty-two diocesan courts, and transfer the business to his court.

MR. TURNER trusted that the House would not permit the Bill to proceed any further. The details of the measure were of the most complex character, and in them was very much involved its principle. The details could not be settled until the principle of the Bill was fully debated in the House. A measure of a comprehensive character was in preparation, for the purpose of reforming the ecclesiastical courts of England, and he thought that it would be better to postpone this Bill for Ireland until that measure was fully discussed.

The House divided:—Ayes 34; Noes 91: Majority 57.

MR. REYNOLDS then moved that the House do now adjourn.

Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 20; Noes 95: Majority 75.

COLONEL CHATTERTON should, at that late hour, oppose the second reading of the Bill, and would, therefore, move that the debate be adjourned.

Motion made, and Question put, "That the debate be now adjourned."

COLONEL SIBTHORP did not consider it fair at that late hour (half-past one o'clock), to bring forward so important a Motion.

MR. M. O'CONNELL hoped the hon. Member for Athlone would press the question of second reading.

MR. KEOGH begged to assure the House that his object was to have the Bill referred to a Select Committee; and, such being the case, he hoped it would meet with no factious opposition at that stage.

LORD J. MANNERS appealed to the hon. and learned Member who had charge of the Bill whether he would persist, in the face of these Motions for adjournment, on the second reading, seeing that it would be impossible to carry his object.

MR. KEOGH thought that he had a peculiar claim on the House. He had not entered into a full statement of the nature of the Bill, in obedience to the wish, as he understood it, of the House; and now he considered the second reading ought to be agreed to in order that the Bill might go before a Select Committee.

MR. F. SCOTT objected to the Bill, as it was against the principle of uniformity of legislation.

MR. HENLEY considered that the Bill should be discussed, and they were asked to send the Bill without discussion to a Select Committee. The principle of the Bill was to sweep away the diocesan courts. He was not prepared to say whether they should act wisely by doing so, but it was necessary that they at least should take the sense of the House upon it.

The House divided:—Ayes 20; Noes 83: Majority 63.

List of the AYES.

Arkwright, G.
Bateson, T.
Beresford, W.
Brotherton, J.
Cotton, hon. W. H. S.
Deedes, W.
Halsey, T. P.
Hastie, A.
Heald, J.
Henley, J. W.
Lowther, hon. Col.
Mackenzie, W. F.
Manners, Lord J.
Mullings, J. R.
Oswald, A.
Reynolds, J.
Scott, hon. F.
Smollett, A.
Taylor, T. E.
Willoughby, Sir H.

TELLERS.

Sibthorp, Col.
Chatterton, Col.

COLONEL RAWDON appealed to hon. Members not to persist in their opposition to the second reading.

MR. REYNOLDS expressed his hope that the Spartan band over the way would persevere in dividing the House until the second reading was postponed.

SIR G. GREY said, that as it was impossible to prevent a very small number of Members retarding the progress of business when they had made up their minds to do so, he should recommend the hon. and learned Gentleman, in order to save time, to withdraw his Motion, and fix the second reading for To-morrow.

MR. KEOGH felt too much indebted to those hon. Gentlemen who had supported him not at once to accede to the advice of the right hon. Baronet.

Bill to be read 2° To-morrow.

STAMP DUTIES.

Resolutions reported.

SIR H. WILLOUGHBY asked the Chancellor of the Exchequer whether he intended to furnish any data by which hon. Members might know what would be the precise gain or loss on the changes proposed to be effected? The 1*l.* per cent *ad valorem* on all conveyances had caused alarm to those who were interested in the transfer of joint-stock and other descriptions of personal property, as it would be extremely onerous, and, unless some modification were made in it, he believed it would meet with a most determined opposition.

The CHANCELLOR OF THE EXCHEQUER was glad his hon. Friend did not oppose bringing up the report, because it was desirable the Bill should be printed and laid before the country, in order that it might be seen what benefits the measure would confer. No doubt some parts of the proposal would increase the duties in some cases; but, taking it altogether, he believed it to be a very considerable boon to the country. He should be glad if he could lay before the House any calculation which would show with any degree of precision what would be the loss or gain on each item; but he could assure his hon. Friend it was next to an impossibility to do it. All that the Government knew was the number of stamps that were issued, but to what purpose those stamps were applied they could not tell. He intended laying on the table a comparative scale of the present stamp duties and the proposed duties, and whatever explanation he could give on that point he should be glad to furnish to his hon. Friend. He was quite sensible with regard to the 1*l.* *ad valorem* duty on conveyances of personal property, that it might produce in some degree an effect such as his hon. Friend had stated; but, upon the whole, he thought the proposed measure contained a fairer scale of duties than existed at present. His attention had been called to that and other matters, but it was impossible he could enter into a discussion of them then.

MR. HENLEY wished to know whether the right hon. Gentleman would object to lay on the table an account of the value of the respective stamps that had been issued; and also the calculations upon which he had arrived at his conclusions with respect to progressive duties?

The CHANCELLOR OF THE EXCHEQUER would lay on the table an account of the produce of each class of stamps, and that was the only document which he could say was a certain document.

Resolutions agreed to.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, May 17, 1850.

PUBLIC BILLS.—1ª Decrees of Court of Chancery as to Real Estate vested in Married Women.

2ª Defects in Leases Act Amendment.

3ª Parish Constables.

Royal Assent.—Exchequer Bills; Brick Duties; Commons Inclosure; School Districts Contributions; Indemnity; Titles of Religious Congregations (Scotland); Distressed Unions Advances and Repayment of Advances (Ireland).

RECALL OF THE FRENCH AMBASSADOR.

Lord BROUGHAM said: My Lords, I believe that I may say—and I grieve from the bottom of my heart that I may now justly and correctly say—that I did not yesterday take too grave and gloomy a view of the event of the departure of the French Ambassador. It turns out—I ask now for no explanations from the noble Lord opposite—it turns out that, instead of using the word "departure" yesterday, I ought to have used the inauspicious word "recall." It turns out that the French Government, in the exercise of its undoubted discretion, has deemed it to be its duty to take a step which has not been taken since the year 1803. May God avert the omen! May no such years of war and mischief follow the late step as did follow its predecessor—the same step taken forty-seven years ago. I now give the noble Lord opposite an opportunity—which he will, no doubt, embrace, and which, peradventure, even now he covets—to explain how it happened that you, my Lords, were given to believe yesterday by the most candid and straightforward Minister whom I have ever known, and by the most fair, and honest, and honourable friend whom I ever possessed or held dear in the world, he having evidently been kept in the most profound and unaccountable ignorance of the facts of the case—I now, I say, give the noble Lord opposite an opportunity to explain how he was induced to give me and you, my Lords, to understand, not indeed in terms, but taking all his statement altogether, in substance and effect, that the recall of the French Ambassador, by order of the French Government—which I viewed as an event of grave importance, and which he, according to his information, naturally and justly viewed as an event of inferior importance—was only for the purpose of enabling that very able, that very intelligent, and that very excellent person to give important information to his Government yesterday, that day being appointed for the interpellations on the affairs of Greece in the National Assembly. It turns out that there is not the shadow of a foundation for taking such a view of the case. It turns out that the French Ambassador was recalled, not to give any explanations to his Government, but because of, and in token of—for I have the despatch to prove it in my pocket—the grave dissatisfaction of the French Government with our conduct—a dissatisfaction echoed by the national representatives chosen by universal suffrage of the French people—a dissatisfaction with the conduct of our Government, and with the breach of the promises by our Government to the French Government, made and given. My Lords, I shall be told, no doubt, to-night, as indeed I was told yesterday, that it was an accidental coincidence, this celebration of the birthday of Her Majesty and the departure of M. Drouyn de Lhuys for France. Be it so. I shall be told that no offence to Her Majesty was intended. Be it so. I shall be told, too, that any slight on Her Majesty would be an offence to the British nation. That is so. But, how does it happen that, if M. Drouyn de Lhuys was recalled to furnish explanations which were never furnished, his *Chargé d'Affaires*, M. Marescalchi, who was left in his post, and had not to furnish any explanations, did not think fit, as he was commanded not to think fit, to testify his respect for that auspicious solemnity by attending at the official banquet of our noble Secretary for Foreign Affairs? He did not attend it. I was told yesterday that there were reasons for the non-attendance of the Russian Ambassador at that dinner. [*Laughter.*] There is no reason for laughter; I wish to God that there was. [A Noble Lord: That there had been illness—measles in the family of Baron Brunow.] Yes! there was that complaint in the Baron's family, but it was two months ago. But what complaint was there in the family of M. Marescalchi, who has no family? or in that of the Bavarian Ambassador, M. Cetto? And yet the Russian, the French, and the Bavarian Ambassadors had one and all abstained from assisting at the celebration. I may be told that there was no doubt an explanation given in the French Assembly by the French Minister—I believe there was, for so my private information states, and it is confirmed by that in the public journals. Of all the party of order, every different section vehemently cheered the communication made to the National Assembly by General La Hitte, of an apparent rupture between the countries. God forbid that it should end in an actual rupture! I trust that it will not. I can prove that this was the reception which the communication of General La Hitte's despatch to M. Drouyn de Lhuys met from the National Assembly; but I supersede all despatches, after the way in which I have been treated. It is said that there was one exception to this vociferous cheering in the French Assembly, and that there was a dead silence among the party of the Mountain, the party of disorder, anarchy, and blood, but among no other: for all the friends of order—moderate Republicans as well as Legitimists—vehemently cheered the inauspicious communication of General La Hitte. There was no sympathy with those cheers on the part of those degraded characters who form the Mountain, nor on the part of their still more contemptible and degraded leaders, who, by issuing orders from London, where they are protected, are doing all they can to stir up disaffection and enmity between the French people and the French Government. I know this, my Lords, from my own sources of information, and also from communications made to me by the French Government when at Paris. The complaint of the French Government is, that London is made the focus of all intrigues against its existence—that it is the source from which all communications are made to the *parti Rouge*—so called because it takes the colour of blood as its appropriate ensign. ["Hear, hear!"] Yes, the *parti Rouge* takes its orders from the Caussidieres and the other crapulous leaders and miscreants who now infest this country after they had been forced to desist from infesting France. The French Government complain bitterly of this—I am taunted with it when in France. I am asked, "Why we allow it?" I can only reply, "We have no Alien Bill;" and I beg it to be distinctly understood that I express no regret that we have no Alien Bill. It is a misfortune; it is a necessary evil. Yet, I would not suffer any infringement to be made on the principles of the constitution to meet a particular case like this. I know, however, that all parties in Paris circulate the report that the leaders of the vile Red party are not so ill received as they ought to be in this country. I am sure that they are not received at all by any Members of Her Majesty's Government; and I trust that they are not received by any man who values his character, through the whole extent of the country. I leave others to determine what was meant by the strange and ominous silence of this Red party on the reception of General La Hitte's communication. For, I assure you, my Lords, that I am well informed that this party, whilst it is engaged in stirring up the hatred of the French people against the French Government, and against the friends of order, is equally actively engaged in stirring up ill-will and bad blood between the people of England and France by every calumny and mendacity which they can circulate against us in their vile and worthless publications. It is said, my Lords, that all this will blow over—and, I believe it will; but the misfortune is, that after blowing over, these evils do not leave things in the same posture, in the same favourable attitude in which they found them; and I verily believe, that if these little blasts should continue to blow over us, they will eventually lead to a breach of that peace, the advantages of which to England, to France, to Europe, and to humanity at large, "pass all understanding." One word more, my Lords, before I conclude these observations, which have almost been extorted from me. General La Hitte, having gained the concurrent voice and the hearty support of all the friends of order to his communication that he had recalled Mr. Drouyn de Lhuys from this court, proceeded to add, that in his letter, which was read from the tribune, he had directed M. Drouyn de Lhuys to communicate it *in extenso* to my noble Friend and former Colleague, Lord Palmerston. That declaration drew forth a repetition of the uproar of applause to which I have before alluded, only it was still more cordially and forcibly echoed. Now, one of three things must have happened. Either M. Drouyn de Lhuys must have disobeyed the positive orders of his Government, and did not communicate the despatch which he was ordered to communicate, and must have said that his absence was only temporary, and intended to smooth everything over—in which case he will never be employed again by any party whatsoever, for no ambassador can be permitted or would ever dare to disobey a positive order on such a subject; or he must have communicated the despatch, which he had received and was ordered to communicate, to Lord Palmerston, and Lord Palmerston had neglected to communicate it to the noble President of the Council; or, if Lord Palmerston had communicated it to his noble Friend, his noble Friend must have taken a view of its importance very different from that which has been taken by myself and all the rest of the world, without an exception. Be this as it may, I am bound to declare my opinion on the rights of this question, and it is most important that I should guard what I now say. The judgment which I shall form on the rights of this question, whether the Government of England or that of France is in the wrong, or whether

Lord Palmerston and Mr. Wyse or General La Hitte and Baron Gros are in the right on the merits of this matter, will be quite apart from anything I have said on the unhappy circumstance of the recall of the French Ambassador. I shall form my opinion fairly and impartially, with a leaning, however, which every good patriot ought to have, towards his own country, and with a wish to find its Government in the right. Under no other bias than that shall I come to any conclusion on this subject; and if I find that the French Government is in the wrong, and if I find on the best information which I can obtain that we are in the right, I shall be the first and the most zealous to support by all the force and weight of the British empire our Government against the Government of France. I hope and trust that even now my noble Friend the President of the Council will give us such information as may soothe the discontent and the disappointment, and the somewhat irritated feelings which exist out of doors, both in this city and in Paris, and I may even add throughout both countries, in regard to the parties who have given rise to this interruption of international tranquillity.

The Marquess of LANSDOWNE: I am sure that not only the House, but my noble and learned Friend opposite, will appreciate the motives which induce me, at the commencement of the very short statement I have to make, to say that that statement will be confined simply to setting my noble and learned Friend right in matters of fact, without any comment whatever upon those facts, or upon the observations which have fallen from him. My Lords, I have nothing to retract from the statement which I made yesterday. At the time I made that statement I knew, what I also know now, that when the French Ambassador left this country, he left it having received and having presented no letters of recall. If these letters of recall had been sent to him from Paris, they could not have been received at the time when he left London, and up to this moment no such notice of recall has been left with Her Majesty's Government. I also wish to say that I know that the French Ambassador held communications with my noble Friend the Secretary for Foreign Affairs previous to his having quitted London, and that he went furnished with a variety of documents which could not be known to the French Government, and for the purpose of affording explanations to them on the facts of the case. I will not say what the result of those explanations may be, but I do most earnestly hope that that result may be such as to prevent any sort of interruption in the friendly intercourse between the two countries, and to the unbroken continuance of which—and I can say no more—I individually, and not only I individually, but Her Majesty's Government collectively, attach as much importance as my noble and learned Friend opposite. Now, with respect to one matter of fact of less importance, to which my noble and learned Friend alluded, adverting to the peculiar and, in some respects, unlucky accident of this occurrence having taken place on Her Majesty's birthday, and inquiring why this circumstance was not connected with the mode and period of the recall, why M. Drouyn de Lhuys, the Ambassador, abstained—of course, in consequence of his quitting London—from attending the dinner given in honour of the birthday—why he so abstained, and also why a very excellent and distinguished person, who now fills, or will fill, the place of *Chargé d'Affaires* in his absence—why he did not attend, and what significance his absence can have—all these suppositions and inferences, my Lords, only come to this, that M. Marescalchi did not go where he was not invited to go. I may further add, for your Lordships' satisfaction, that the Russian Ambassador, who abstained from attending on that occasion, intimated to my noble Friend the Secretary of State for Foreign Affairs, that he was prevented by indisposition. With respect to these matters of fact, I trust the House will excuse me if I do not follow the example which has been set, under circumstances of unnatural, and I hope unfounded, excitement in the French Assembly. I do not think there was much tending to edification in the example set either by the Minister who made that communication, or the Assembly to which it was made. But there was at least this point worthy of notice, and perhaps of imitation, that the communication so made was not followed by discussion on either side.

Lord BROUGHAM observed, that after M. Drouyn de Lhuys had left England, in consequence of his letters of recall, M. Marescalchi ceased to be Secretary of Legation, and became *Chargé d'Affaires.* He found these words used in the despatch of General La Hitte to M. Drouyn de

Lhuys—"The President has invited me to direct you to return to France after having accredited M. Marescalchi as *Chargé d'Affaires.* You will be pleased to communicate this despatch to Lord Palmerston." Lord Palmerston was therefore informed that M. Marescalchi was no longer Secretary of Legation, but was become *Chargé d'Affaires.* For "invite" was a courteous French phrase meaning "command;" and there were many cases in which an officer who refused an invitation of this kind from his superiors would be tried by court-martial. It was thus clear, that before M. Drouyn de Lhuys left England he had communicated to his noble Friend (Lord Palmerston) that M. Marescalchi was become *Chargé d'Affaires;* and, under such circumstances, he hoped that his noble Friend had invited him, in common courtesy, to his official dinner. With regard to the fact that there had been no letters of recall, their Lordships were still desired to believe that M. Drouyn de Lhuys went to give information to his Government, and that there were no hostile communications between that Government and our own. But what said General La Hitte's despatch?—"We have received, on this point, the most formal promises, which, however, have not been observed." And what then followed?—"You are charged to apply to the English Cabinet, to make certain demands; and, those demands not having been agreed to, it has appeared to us that the prolongation of your sojourn in London is no longer compatible with the dignity of the Republic." M. Drouyn de Lhuys read this despatch to Lord Palmerston, and it was a recall of the Ambassador of France to all intents and purposes. Whether it was in the diplomatic sense a formal letter of recall he would not pretend to decide; but he considered it, as he said before, a letter of recall beyond all controversy.

The Marquess of LANSDOWNE again contended that no letters notifying the recall of M. Drouyn de Lhuys as French Ambassador had as yet been presented to the English Government; and, to his knowledge, no intimation had either been entertained or expressed by the French Government of sending such letter of recall to Her Majesty's Government prior to the departure of M. Drouyn de Lhuys.

Lord BROUGHAM observed, that in the view which his noble Friend took of this part of the case he was perfectly justified in repeating the assertion respecting the non-existence of any letters of recall; but he contended, on the other side, that he (Lord Brougham) was justified in treating the despatch of General La Hitte as a recall complete. The French Government considered it as such, and had resolved to please the people of France by showing, that it felt our conduct towards them to be incompatible with the dignity of the French Republic.

After a few words from the Marquess of Londonderry,

Lord BROUGHAM: I have been told by those who were present in the other House that the statement made there on this subject is utterly inconsistent with that just made by my noble Friend. I never understood my noble Friend to express any doubt of the despatch having been communicated to Lord Palmerston.

The Marquess of LANSDOWNE: I did not state that the despatch had not been read; I could not have stated that, but no copy of it was left.

Lord BROUGHAM: But a parole communication of it was made by M. Drouyn de Lhuys to Lord Palmerston.

Subject dropped.

House adjourned to Monday, May 27.

HOUSE OF COMMONS,

Friday, May 17, 1850.

Minutes.] Public Bills.—1ª Exchequer Bills. (8,558,700*l.*); Stamp Duties (No. 2); Collection of Fines, &c. (Ireland); Summary Jurisdiction (Ireland); Lord Lieutenancy Abolition (Ireland).

2ª Drainage and Improvement of Land Advances; West India Appeals; Alterations in Pleadings; Acts of Parliament Abbreviation.

3ª Sunday Fairs Prevention.

RECALL OF THE FRENCH AMBASSADOR.

Mr. DISRAELI: I wish to put a question to Her Majesty's Ministers. It having been officially announced that the Ambassador of the French Republic has been recalled from the Court of St. James's, and that his recall was occasioned by conduct on the part of the British Government, supposed to be derogatory to the honour of the French Republic, I wish to know whether Her Majesty's Ministers deem it expedient to afford any communication to the House explaining the causes of an incident of such grave import?

Lord J. RUSSELL: Sir, all that I can at present state to the hon. Member is, that General La Hitte, the Minister of Foreign Affairs to the French Republic, informed the Marquess of Normandy that, in consequence of what he considered the ill-treatment of France by the Government of this country, he had thought it necessary to recall M. Drouyn de Lhuys. At the same time he said that M. Drouyn de Lhuys having been sent here in order to settle the affairs of Greece, and to endeavour to come to some arrangement with the British Government on that subject, those affairs having terminated, and that endeavour having failed, it was natural that the Ambassador who had been deputed for that special purpose should return home. This is the only statement on the subject that I can at present make. I will only add that I am very sorry that this feeling should exist on the part of the French Government; for I am sure that on the part of Her Majesty's Government there has been every wish to listen to the representations of the Government of France on the affairs of Greece; we had every hope that the results of the mission of M. Drouyn de Lhuys would have been successful, and we were always ready to give every facility for bringing the affair to a satisfactory conclusion with the mediation and aid of the French Government; and I feel convinced that had not M. Gros, for some reason which I cannot divine, so suddenly given up his mission, on the 23rd of April, and declared to the Greek Government his functions suspended, there would have been ample time for the arrival of the despatch from Her Majesty's Government, and then this misunderstanding could not have occurred.

Sir JOHN WALSH: Sir, it is matter of public notoriety that in the statement relating to this subject which took place in the French Legislative Assembly, General La Hitte read to the Assembly the despatch recalling M. Drouyn de Lhuys, and detailing the reasons for that recall. At the end of the despatch, M. Drouyn de Lhuys is directed to communicate a copy of it to Lord Palmerston; I should like to know whether that despatch was so communicated, and whether it was in the hands of the noble Viscount when he yesterday answered the question put to him by the right hon. Member for Manchester?

Lord J. RUSSELL: M. Drouyn de Lhuys did not communicate a copy of the despatch to my noble Friend; neither did my noble Friend nor any Member of the Government have a copy of it.

Mr. ROEBUCK: I am sure the noble Lord does not desire that there should be any the slightest misapprehension on this subject. It might be presumed, from what the noble Lord has now stated, that on the part of the French Minister who has left this country, there had been some want of duty, or of performance. This, I am sure, is not intended by the noble Lord, but it certainly is to be implied from what he has said; because in the letter read to the Legislative Assembly by General La Hitte there is the instruction that the letter is to be communicated to the Foreign Secretary of State of this country. The noble Lord informs us that no copy of the despatch was communicated to the British Government. The ordinary form on these occasions, I believe, is for the person who has received such a note to go with it in his hand and to communicate it to the person indicated in it by reading it; if this was done by M. Drouyn de Lhuys, the noble Viscount must have been in full possession of all the contents of the despatch when he yesterday made his explanatory answer to the right hon. Member for Manchester.

Lord J. RUSSELL: There are two ordinary modes of communicating such notes; one is to read them to the Foreign Minister, giving no copy, the other is to read them and to leave a copy with the Minister. The former course was the course taken by the French Ambassador. Following, I presume, the orders he had received from his Government, and with no sort of intention of discourtesy, he read the letter in question to my noble Friend, but communicated no copy of it; and my noble Friend, in his statement to the House yesterday, gave what was his impression of the case.

Sir JOHN WALSH: But though the Foreign Secretary had not formally had an actual copy of the despatch placed in his hands, still he was in full possession of all its contents.

Lord J. RUSSELL: No doubt the French Ambassador read to my noble Friend the despatch he had received, accompanying it at the same time with such observations as he thought proper to make. A very long interview took place.

Mr. C. ANSTEY: Perhaps I may be permitted to ask if, in consequence of what has occurred, the Marquess of Normanby may be expected in this country?

Lord J. RUSSELL: There has been no order sent recalling the Marquess of Normanby, and I trust no such order will be necessary. The hon. Member for Montrose has suggested that the Committee of

Supply should not be taken until Monday, but I must adhere to my proposition that it be taken on Thursday. The Motion that the House go into Committee will then afford an opportunity to the hon. Member for Buckinghamshire, or any other hon. Gentleman who desires further information on this subject, to seek it, or for the Government, should it have further information, to give it; for this reason it is not desirable to name the later day, and I hope my hon. Friend, who has already made so many sacrifices for the public advantage, will consent to make one more on this occasion.

MR. DISRAELI: It would be very convenient if, meantime, the House could be put in possession of the papers on the subject.

LORD J. RUSSELL: I did not suggest that the Motion for going into Committee of Supply on Thursday should be made the occasion of a regular debate on the subject; but simply that it would afford the opportunity for any question that might be considered expedient by Members. As to the papers, they are too voluminous to he prepared in so short a time.

Subject dropped.

THE ECCLESIASTICAL COMMISSIONERS.

SIR B. HALL begged to ask the noble Lord the First Lord of the Treasury certain questions of which he had given him notice. It appeared from a paper he held in his hand, containing the cases determined by the Judges in the matter of appeals against the assessed taxes, that in 1842 the Bishop of Exeter left his palace, and in 1844 refused to pay the assessed taxes, in consequence of his absence from his episcopal residence. This fact in itself proved that the bishop had not resided at the palace from 1842. The questions he wished to ask were these:

1. It appearing by the second report of the Ecclesiastical Commissioners, page 11, that on the 5th August, 1845, and the 26th May, 1846, sums amounting to 3,000*l.* were paid for "altering and improving house at Exeter," whether any further sum had been advanced for a similar purpose; if so the date when advanced and the amount, and by what authority such sums were advanced; whether any account had been rendered to the Ecclesiastical Commissioners of the manner in which those sums have been expended, and if so, the date of such account, and when it was rendered; whether, when the Ecclesiastical Commissioners last revised the incomes of the archbishops and bishops, they received from them a detailed account of their incomes from lands, fines, rents, and all other sources, for the purpose of showing the gross income; and whether, in order to show the net income, the archbishops and bishops gave in under different heads the several items of expenditure; and, if not, upon what data the Ecclesiastical Commissioners fixed the sums that should be paid into the Episcopal Fund from the richer sees, and the sums that should be paid from that fund to the poorer sees; and whether the Commissioners will make a return of the data upon which such revision was founded?

2. Whether the Ecclesiastical Commissioners had, or have since, received full and particular accounts of the property belonging to the several sees, the mode in which such property is leased, tho date of the several leases, the fines and rents received by the archbishop or bishop, and the names of the parties to whom leases have been granted?

3. As it appears by the return of incomes made in 1845, that the net income of the Bishop of London was reduced from 14,510*l.* 9*s.* 4*d.* in 1837, to 12,481*l.* 8*s.* in 1843, notwithstanding the Paddington Estate was built upon during that interval, and the Bishop of Exeter's net income fell from 2,136*l.* 0*s.* 9*d.* in 1837, to 341*l.* 10*s.* 5*d.* in 1843, to ask whether any reasons were given for such diminutions, and if so, to what causes they are attributable?

4. When the Ecclesiastical Commissioners purpose making any report of their proceedings, no report having been made for three years?

LORD J. RUSSELL said, in answer to the first question, he had to state that by Orders in Council of the 5th of August, 1845, and the 26th of May, 1846, a sum amounting to 2,500*l.* was ordered to be advanced "for altering and improving house at Exeter;" that that had been advanced out of a sum standing to the credit of the see of Exeter; and that the bishop could himself have drawn that sum during his incumbency.

SIR B. HALL asked whether the noble Lord had any account of the rents from various sources which the dignitaries of the Church derived, or whether he knew upon what data the larger sees had been reduced, and money had been paid over to the poorer sees? He was anxious to ascertain what really was the property of the archbishops and bishops; and, perhaps, in answering the question, the noble Lord would state whether any late report had been issued by the Ecclesiastical Commissioners?

LORD J. RUSSELL begged to state, in reply, that the Ecclesiastical Commissioners had received in 1844 a return containing a revision of the incomes of the several bishops, and there was no objection that the data upon which that return and revision were founded should be given the hon. Baronet. He believed that no such particular account could be furnished as the hon. Baronet sought for; but in the next Session of Parliament a further report from the Ecclesiastical Commissioners would be presented.

Subject dropped.

LORD LIEUTENANCY ABOLITION (IRELAND) BILL.

LORD J. RUSSELL: Sir, I rise to make a proposal to the House on a subject of the greatest importance, not only to the administration of Ireland, but to the future welfare of the united kingdom. Before, however, I enter upon the immediate subject of the Motion I have to make, I wish to clear away two misapprehensions which have been sedulously circulated upon the subject of that Motion. The one is, that there is an intention to follow up this measure now, or in a short time, by the removal of the courts of law from Dublin to London. I can only say that there never was the slightest foundation for such a supposition, and that we never had in contemplation a measure which we think would be injurious to Ireland, and to the administration of justice in that country. A second rumour, which has been spread through the means of an anonymous publication, is, that the determination to which the Government have come in making this proposal is one which has been very recently adopted, and has arisen from the proceedings which took place some months ago in Ireland. With regard to that report, I have to say, that it is totally without foundation; that, in fact, the Members of the present Government have for a very long time had in contemplation the measure I now have to propose, and that when Lord Clarendon went to Ireland, he went there on a distinct understanding with me that the office of Lord Lieutenant would—if Parliament should concur with us—be totally abolished; and that, whether that abolition should take place within a few months, or should be postponed to a later period, must depend upon the state of Ireland, and the opportunities that might arise which we might consider favourable to such a measure. The House will perhaps recollect that, whether in office or out of office, I have always stated, that though I thought this object desirable, I considered that it ought to be left to the Executive Government of the day to choose the time when the measure should be carried into effect. I will now proceed to the Motion. I think no one will deny that, upon general principles, the two countries being united, there ought to be one single administration. Of course the administration of affairs must be more uniform, must be more steady, must be more easily determined upon, if those who have to carry on the Government can meet together and arrange the measures they consider it advisable to adopt. This was so strongly the opinion of one of the greatest men this country ever produced, who took an active part in the Revolution of 1688, and who was mainly instrumental in carrying the union with Scotland, that he strongly objected even to a temporary continuance of the Privy Council of Scotland at the time of that union. We have, in the *Hardwicke Papers*, the minutes of a speech Lord Somers addressed to the House of Lords upon that occasion, some few words of which I will read, as bearing upon this question, and showing how strong an opinion that great man had formed of the importance of having one administration when the Parliaments were united. The proposal was to continue the Privy Council for several months. Lord Somers said—

> "True concern for preserving the public peace. Heartily desirous of the union. No less desirous to make it entire and complete. Not at all perfect while two political administrations subsist. The advantage of Scotland is to have the same easy access to the prince; to be under the immediate personal care of the prince; and not to owe their protection and countenance to any subordinate institution. This was my argument at the union. Will not prevaricate. Worse state after the union, if a distinct administration continue. Now no Parliament to resort to in Scotland. The marks of distinction will continue."

The House will see that these were merely the heads of his argument, and no doubt, in the hands of Lord Somers, that argument received its full elucidation. The opinion of Lord Somers clearly was, that the state of Scotland would be worse after the union than before, if, with a united Parliament, two separate administrations were continued. There were reasons which, at the time of the union with Ireland, prevented the Government of that day from taking the same course which had been taken with regard to the union with Scotland; but that fault was pointed out in this House when the propositions for the union were brought forward, and Mr. Sheridan, referring to the speech made by Lord Somers, declared he thought the time for a union with Ireland could not yet have arrived, because it was not proposed to make that union complete by uniting the administration. The House will remember, that at the time the proposition of that union was first made, we were in a state of war. It was then considered necessary to maintain an administration in Ireland, and especially to have some person at the head of the Executive who could apply all the means of war against any enemy who might attack that country. It appears, however, that at the time of the union with Ireland, the subject of the abolition of the Lord Lieutenancy was taken into consideration by the Sovereign who then ruled the destinies of this country. I have been kindly furnished by a friend with a copy of a letter addressed by George III. to Mr. Addington, showing that though His Majesty thought it inexpedient to abolish the Lord Lieutenancy at that time, he considered it a measure that might at some future period be wisely adopted. The letter, which has reference to the general question, is as follows:—

> "Mr. Addington must not think that the King will unnecessarily take up his time with letters; but, at the outset of our business, it would be highly wrong to have anything omitted that occurs. The more the King reflects on the conversation of last night and the proposed arrangements, the more he approves of them. But he blames himself in having omitted to mention the natural, nay, necessary, return of the Marquess Cornwallis from Ireland. He well knows many have thought the office of Lord Lieutenant should altogether cease on such an event. The King's opinion is, clearly, that perhaps hereafter that may be proper, but that at present it is necessary to fill up that office with a person that shall clearly understand that the union has closed the reign of Irish jobs; that he is a kind of President of the Council there; and that the civil patronage may be open to his recommendation, but must entirely be decided in England. Earl Chatham, if he can be persuaded, is the man whose honour, rectitude of mind, and firmness, is best calculated for that station, particularly from his love for the military profession, to which he is again returned."

This clearly shows that George III. thought the office might at some future time be abolished, and also that he considered that a person, in order to be qualified for it, should belong to the military profession, and should be able to command the forces. The question now occurs, therefore, whether the time has come to which George III. refers in the letter I have read when it may be proper to abolish this office; and in considering that question I shall first advert to the general reasons which seem to me to make such an office ill calculated for the government of Ireland, and in the next place to the particular objections which may be made to the Motion. Now, Sir, with regard to the question of administration, I think there can be no doubt it is advisable that the persons who have to carry on the administration of Ireland should be able to have that oral intercourse with those who are carrying on the general government of the country, which is found of so much use in all the departments of administration. There is no department of administration in which you have not the benefit of some person at the head of that administration, either a Member of the Cabinet, or having immediate access to the Cabinet, who may state what measures are considered necessary, and what course it is expedient to pursue, or who may afford explanations and meet objections which may be made to the course proposed. With regard to any transactions that may take place with respect to our most remote dependencies, you have a Colonial Secretary who is ready in Parliament to propose and defend such measures as may be necessary. You have likewise, in the Cabinet, a Foreign Secretary, who can state to the Cabinet what course he deems it expedient to pursue with regard to foreign affairs. But with respect to the Government of Ireland, a country so near us, you are obliged to communicate on all matters relating to measures to be proposed to Parliament, and measures of administration by despatches or by letters—a most imperfect mode of communication when compared with those explanations which can take place by conversation with regard to every other department. It is adverse, also, to the genius of our system of government, because I believe there is no Government in the world by which such important decisions are taken without being committed to writing, as by the Government of this country. Now, with regard to the Government of Ireland, though it has happened when I have been in office that those who have been Lord Lieutenant of that country have always been personal friends of mine, with whom I have kept up a constant correspondence, I have always felt the difficulty of being obliged to ask by letter for explanations of matters of administration in Ireland, and to answer objections to measures that might be proposed by us. I consider this a disadvantage to the Imperial Government of this country; but I also regard it as a much greater disadvantage to Ireland. I consider that Ireland is a great loser from not having a Minister in the Cabinet, who can explain the interests of that country upon any question, who can state what course he thinks it desirable to pursue, and who, from his peculiar knowledge, and by the abilities he is able to bring to the task, can enforce the adoption of the course he recommends. So much has the disadvantage to Ireland of conducting the government of that country by a Lord Lieutenant been felt, that upon more than one occasion a Chief Secretary for Ireland has been placed in the Cabinet for the purpose of discussing Irish measures. The House must see that that is a remedy to which recourse would not have been had but for the deficient construction of your administration for Ireland; because, to have the chief in Ireland, and his secretary in the Cabinet a concurrent party to giving orders to the Lord Lieutenant his own chief, is, in principle, most objectionable. Sometimes it has been found exceedingly convenient; but at other times, as I can testify myself, it has been attended with much inconvenience, as it obviously must be when the Chief Secretary is a man of great talents and energy, when, in fact, the Government of Ireland is vested in the Chief Secretary, and the views that are carried out are not those of the Lord Lieutenant, but of his Chief Secretary, who ought to be the instrument of carrying into execution the measures of the Lord Lieutenant. It would have been a great benefit, both on general principles of administration, and also in the practice of administration, if we had the chief in the Cabinet and his under-secretary, like other under-secretaries, consulted and advised with upon all measures, but acting subordinately to the Chief Minister for Ireland. But, Sir, while this inconvenience has—at least whenever I have been in office—been felt to be considerable, it has been maintained that it was necessary to have an executive officer in Ireland, on account of the delay which must occur in communicating with that country. The necessity for such an officer has been urged, because on most important occasions—such, for instance, as the reprieve of convicts by the Crown —a change of wind, or some delay in the journey, might retard the communication from this country, and so prevent persons from receiving the benefit of pardon, or of a commutation of sentence. Now, Sir, however valid this argument may have been in former times, I think its whole force is done away with now by the changes which have taken place, and the facility and rapidity of the means of locomotion tween the two countries. There is no document to which I could appeal—no papers I could lay before the House—which would be so convincing on that subject, as a work well known to the Members of this House, called *Bradshaw's Railway Guide;* for any person who consults that interesting volume will find that a steamer arrives in Kingstown harbour at half-past 10 at night, conveying the intelligence which has left London the same morning. It will be found, also, that the journey from Dublin to Cork by the South Western Railway can now be performed in about seven hours. That is a rapidity of communication far exceeding the facility of communication between London and Edinburgh at the time of the union between Scotland and this country, and when the separate administration was abolished; it is a rapidity of communication which, I say, refutes all those arguments that were derived from the difficulty of communication, and the consequent necessity of maintaining an Executive in Ireland, in order to carry into effect the measures and desires of the Government. Sir, these are, generally speaking, the reasons relating to general administration and legislation which make it appear to me to be advisable to abolish the Lord Lieutenancy, and to put a Secretary of State in the place of the Lord Lieutenant. But if we refer to Ireland, land, and ask what are the benefits which that Lord Lieutenancy confers upon Ireland, I think we shall then find that in many respects the existence of the Lord Lieutenancy is far from injurious than beneficial. There are several points of view in which that injury can be shown to the House. In the first place, the Lord Lieutenant is placed there in a kind of anomalous position, asked for everything, appealed to for everything, blamed for everything, and yet not having that power which should belong to this situation. He has the semblance but not the immunity of royal dignity. He has the responsibility but not the freedom of action of a Minister of the Crown. He is therefore obliged to bear much without answering; to appear to defend himself with great reserve; not to take that free line which a Minister of the Crown can take in defending his own acts; and, at the same time, not looked to with any of that reverence which attends the person of a sovereign. The "divinity which hedges a king" gives but small protection to a viceroy. We have seen in our own time that it has seemed rather a tempting object—rather a temptation for attack and for violence, to have in Ireland what appeared the representative of Royalty, whom faction and sedition could attack. We have seen that no character, no kind of politics, no former services, have saved the Lord Lieutenant from such attacks. We can remember the violent outrage committed against the Marquess of Wellesley, who went to Ireland with all the character and the fame that had attended his viceroyalty in India. We can remember that, as was truly said, some vagabond exposed the Earl of Haddington to the imputation of being a partisan Lord Lieutenant of Ireland. We can all recollect that the Marquess of Anglesey, with the best and kindest intentions towards Ireland, was denounced as "the Algerine Anglesey," was considered as a violent despot—was denounced to the people of Ireland by every odious name that could be applied. When the Marquess of Normanby was in Ireland, the great majority of the Roman Catholics were disposed to favour his viceroyalty, and then we had a great number of persons of high rank refusing to attend the leeves and drawing-rooms at the Castle, not paying that respect which they would otherwise do to the representative of the Sovereign, because they disapproved of the line of policy which he pursued. We have had since then other demonstrations of a similar kind; I will not refer to those which have very recently taken place, but all these instances have shown that which I think from previous reasoning you would naturally expect, that those who are disposed to oppose the politics of a particular viceroy are rather incited to that attack than deterred from it by the appearance of representation and of reflection of Royalty which he may be considered to exhibit. It seems to be a very great thing, a sort of show of patriotism, to be able to brave and to beard a viceroy in the Castle of Dublin. A Secretary of State, we all know, may be attacked, may be blamed, may be violently assailed, but a Secretary of State has his own freedom of action; he takes his part in this or the other House of Parliament, and neither the Crown nor the service of the Crown suffers by the debates which take place in regard to acts for which he is obviously and in the first place responsible. In the next place, I think that with regard to all parties in Ireland, the past history of the viceroyalty shows that it tends to prevent the harmony and effective impartial administration which ought to exist. In former and past days the viceroyalty was the semblance of a party power, strong, powerful, energetic, but unjust and intolerant. That has passed away. No Government that has existed of late years has wished or attempted to govern by means of that party. But, at the same time, the consequence of that change has been, that those who formerly held this power, and who considered themselves entitled to support at the Castle, are rather irritated and embittered by finding that they have no longer that power, while the great body of the Roman Catholics of Ireland are apt to feel a jealousy lest that partial administration should not have altogether ceased; and they look at the viceroyalty with some fear that that partiality may be revived. Now, by mixing and confounding the administration of Ireland with the general administration of the united kingdom, you would get rid of those feelings. You would neither have a minority of the Irish people thinking that they had a separate local administration for themselves; they would be bound up together with the great body of the Protestants of that country; and the Roman Catholics, on their part, would not look to anything else than that fair and equal share which they ought to have in the administration of the united kingdom. I do not know that against these objects, which seem to me of vast weight, it will be objected that we ought not to destroy a separate local administration in Ireland which is of benefit, for the purpose of the expense which may take place in Dublin, and the access which it gives to a court to a great number of the gentry and nobility of Ireland. I own it appears to me, while I think that all those taunts that have been thrown out against the society of the viceregal court in Ireland are very ill placed, yet that there is no reason, while the Queen herself is but twelve hours' distant, why there should be any need of any other court than that of Her Majesty; and that those who wish to pay the homage of their loyalty may very well resort to Her Majesty herself to pay the homage and the respect that is due. And I think that the presence of a viceroy, and the levees and the drawing-rooms, rather tend to hide than to reflect the splendours of the Throne. On the other hand, I cannot but think that in this respect, as in many others, the Irish are losers by the continuance of a viceroy. I think the habits of expense into which persons are led by the short distance there may be to Dublin, and the carrying their families there, when otherwise they would be contented to remain in the country, or sometimes to pay an occasional visit to Dublin—I think those habits cannot but be injurious. Moreover, there is with regard to this general subject another evil in that facility of resort to Dublin. I have said that the Lord Lieutenant is appealed to for everything, asked for everything, and blamed for everything. Now, upon many subjects, no person in England or Scotland ever thinks of asking for the advice or the judgment of the Secretary of State. There are many questions upon which magistrates and others are content to come to the best decision that they can, and to leave to the course of law any ultimate judgment of their proceedings; but the having this viceroyalty in Dublin—the having the viceroy with his legal advisers close by him, continually leads to appeals to Dublin for the sake of getting an opinion—for the sake of getting some advice from the Lord Lieutenant, which it really does not belong to any Minister of the Crown to give. It is far better that, according to the practice of England and Scotland, the magistrates and the people should be taught to rely on their own interpretation of the law, and that only upon rare occasions should they resort to the Ministers of the Crown for advice. I think that will be the result, in many instances, of the abolition of the Lord Lieutenancy. But with regard to other and more important occasions, the resort that they have would be far more useful and effectual than it is at present. It continually happens that a large deputation is sent to the Lord Lieutenant; the Lord Lieutenant accepts their memorial; he can only say that he will transmit it to England. It is sent to the Treasury or to the Home Office; it is there considered; the whole case, perhaps, is not fully before the Treasury or the Secretary of State, and the Lord Lieutenant not having the power to decide, and the Treasury or the Secretary of State not having all the information, neither the appeal nor the decision upon it is so satisfactory as it ought to be. But in those rare and important cases, if the resort was made to a Secretary of State in London, the whole case might be gone over, the whole circumstances might be explained, and a decision come to, which would be effectual. I do not think it would be desirable that Ireland, when deprived of its Lord Lieutenant, should never have the opportunity of seeing its Sovereign; and I have great pleasure in stating, without being able to name any particular time at which Her Majesty would visit Ireland, that it is Her Majesty's gracious intention from time to time to pay a visit to Ireland, and to have the residence in the Phœnix Park maintained for Her Majesty. And I can truly say, that the manner in which Her Majesty was received upon her visit last year, the demonstrations of loyal affection which sprang so universally from the people, have left the deepest impression, and will induce Her Majesty at all times to be happy to take an opportunity to revisit her subjects in that part of the united kingdom. I come now to the manner in which I propose that this change should take place. I propose that it should take effect by an Order in Council, after the Act was passed, at any time that Her Majesty may deem it expedient that that Order in Council should be made. I propose that another Secretary of State should be added to the present three Secretaries of State, for the purpose of carrying on the important business connected with Ireland. I will not say that the arrangement that may be made will be exactly the arrangement that subsists at present, because there may be some of the functions which are now exercised by the Lord Lieutenant of Ireland which it may be more convenient shall be exercised by the Secretary of State for the Home Department; but I own, considering the immense amount of business connected with Ireland, necessarily connected, without those unnecessary appeals to which I have alluded, and considering also the number of measures which it is necessary to prepare for the consideration of Parliament respecting Ireland, I do not think it would be possible for the Secretary of State for the Home Department, charged as he is of late years with many important duties which formerly did not belong to his office, efficiently to perform all the duties which are now performed by the Lord Lieutenant and Chief Secretary for Ireland. I believe it would be better upon the whole to keep the Lord Lieutenancy, with all the disadvantages which I have stated, than to attempt to throw this immense mass of business into an office which is already sufficiently, if not overloaded with business of the State. I propose, therefore, that there should be a power of appointing a fourth Secretary of State, not of course dividing his functions from those of the other Secretaries of State; he would be charged with the affairs relating to Ireland, but, like the other Secretaries of State, he would be capable of discharging any of the functions and duties belonging to a Secretary of State. It would be, I think, inconvenient in administration if he should not be able to take the place and discharge the duties of other Secretaries of State, in case they were absent, or if they were not in his absence to despatch the business of Ireland that might require urgent attention. The Bill which I have had drawn up provides that the different powers now exercised by the Lord Lieutenant and Privy Council, should be exercised by Her Majesty and the Privy Council; and that the powers usually given to a Secretary of State should be exercised by a Secretary of State, recognising the power to appoint a fourth Secretary of State; and that, if appointed, he and one Under Secretary should have the power of sitting in the House of Commons. There are certain powers belonging to the Privy Council in Ireland which are of a judicial nature, and which we propose to leave with that Privy Council, the Lord Chancellor of Ireland being constituted President of the Council, or in his absence some other Privy Councillor named by Her Majesty. With regard to several other powers that belong to the Lord Lieutenant of Ireland, upon the advice and representation of the Privy Council in Ireland, we propose that recommendations should be made by the Privy Council in Ireland to Her Majesty, and that Her Majesty shall exercise those powers. There is a board which was very recently created in Ireland, namely, the Board of Poor Law Commissioners for Ireland, which could not subsist in the manner in which it is at present constituted; at present the Chief Secretary and Under Secretary are members of that board. We propose to abolish the office of assistant commissioner, to make the assistant commissioner one of the Commissioners, with a salary to be appointed by the Lords of the Treasury, and that one other person shall be named to complete the Poor Law Board. We do not contemplate any additional expense for the purpose of the Poor Law Board; but I think it necessary that the assistant commissioner should have a place at the Board of Commissioners, and have power to exercise the functions now exercised by the chief of the Poor Law Commissioners in case of his absence. The present assistant poor-law commissioner is Mr. Ball, and he would naturally become, under this Act, one of the Commissioners. I know not that there is any other matter which in this early stage I need explain to the House. The Bill has been for some months under the review of the Government of Ireland, as well as of persons in this country; and the Lord Chancellor of Ireland has very carefully looked at its provisions, with a view to its bearing upon existing Acts. Of course, when the Bill is before the House, that matter will require great attention, and those who are fully cognisant of the Acts which give powers to the Lord Lieutenant, will see whether the object has been carried into effect in a manner which will provide for the future good government of Ireland. I have not touched upon one part of the subject which, in the eyes of some persons, may be of considerable importance, but which I regard as nothing to the great magnitude of this change—I mean the question of expense or economy in carrying this change into effect. Of course, upon the whole there will be a saving by the reduction, but at the same time there will be many clerks and other persons in Ireland who cannot well, after a very long period of service, be removed to this country, and to whom compensation and superannuations, and so on, therefore will be given. It is right to say, also, upon this part of the subject, that as there is no provision in the civil list for any expenses that may be incurred in such visits as I have stated that the Queen may be disposed to make to Ireland, there may be occasions when, not to the amount that there was when George IV. went to Ireland, but to some amount, there may be a call for a vote of this House, in order to defray the extraordinary expenses of the visits. I should say that it is so important that the Queen of this country should visit every part of her kingdom — that those visits tend so much to make Her Majesty acquainted with the feelings of Her people, and give such gratification to the feelings of Her subjects, that it is most desirable that those visits should take place—and I do not think there will be any difficulty in regard to the expense for that purpose. I will now resume my seat, only stating that this change has been some time in contemplation; that it is, as I think, an improvement with a view to the general government of Ireland; that it will enable the Irish Minister, whoever he may be, to bring Irish measures before the Cabinet and before the Parliament far more completely, far more successfully, than he is enabled to do when he is resident in Dublin. I have stated that, as far as Ireland is concerned, I think there will be a great advantage to Ireland in this change. I have stated likewise that I think, with regard to the local effect of the presence of a viceroy in Ireland, that, however able that viceroy may be, however disposed to act impartially between parties, it is imponsible for him often to take such a line that he will not incur the resentment and the obloquy of men of one extreme party or another, and that his presence there tends to keep alive and to embitter party feelings. I have stated likewise that I think the presence of a Government in Dublin tends to perpetuate reference to Government upon matters upon which a Government ought not to be consulted at all, and that the cessation of those references will of itself be a benefit to the people of Ireland, and the future administration of that country. I have stated likewise, that I think there is nothing in the maintenance of a court in that country which ought to induce the House to refrain from abolishing the institution, and that resort to the Queen's Court in London is the natural and proper resort for all Her subjects of the united kingdom. I will state finally, that I think, whether persons are favourable to the Parliamentary union of the two countries, or unfavourable to it, they must all agree that this institution ought not to be kept up. If they are favourable to the union, and adhere to it as a settled and established part of the institutions of this kingdom—as I do myself—I would say, I think, that if Mr. Pitt had been able to propose this completion of the union at the time when he originally brought it forward, he would have followed the example of Lord Somers; and that we are more fortunate, half a century afterwards, in having circumstances favourable to it. I would say, also, that those who think the union ought not to exist, should not be satisfied with this partial representation, which does not give a Parliament—which does not give power; but in fact, while it does not give to the people of Ireland the right of taking a part, and of having a representative among the Ministry of England, gives them nothing in the shape of local power as a substitute for that loss. I would say in the end, that I trust the circumstances of the present time are favourable to this abolition; that the Earl of Clarendon, who in his administration of the viceroyalty has had to encounter the effects of famine, the dreadful sufferings among the people caused by scarcity and by disease, and who has had to meet the outbreak of an insurrection which was intended to overthrow British power in that country—has overcome some of those difficulties, and I trust by the mercy of God we are not going to have again the infliction of others; and now, when the country is tranquil, now when the country is governed peaceably, and at the same time firmly, by the Lord Lieutenant, I think the time has arrived when we may safely provide for the abolition of that viceroyalty, and merge that substituted and delegated into the general powers of the united kingdom. I now move for leave to bring in a Bill to provide for the abolition of the office of Lord Lieutenant of Ireland.

Motion made, and Question proposed—

> "That leave be given to bring in a Bill for the abolition of the office of Lord Lieutenant of Ireland, and for the appointment of a Fourth Secretary of State."

MR. GRATTAN said, the speech of the noble Lord at the head of the Government was without argument, without solidity, without point, and without anything to characterise it as the production of a great man and a great Minister. He (Mr. Grattan) rose to raise his voice to preserve the remnant of Irish dignity and nationality. He had not joined the Manchester school, and he should not take any lessons from the financial reformers. The noble Lord said, there was to be a Secretary of State for Ireland; but what was his next sentence? That he was not to be confined to Irish business. The noble Lord said, that the representatives of royalty in Ireland had been bearded; but he seemed to have forgotten that in England they had not only bearded, but cut off the head of royalty. He liked to approach royalty, he liked to look at the Sovereign's face. Now they could not look at the Sovereign's face across the water, or even through the tube that the noble Lord had alluded to. It was like the Frenchman who was looking at the king through a telescope when the sentinel interrupted him, saying, "*Monsieur, on ne lorgne pas le Roi.*" That was the sort of Government they should have. Who was it that had made the Irish Lord Lieutenant so bad? Why, it was the English Government. He charged them with having, as Englishmen, not only mismanaged the affairs of his country, but with having poisoned the minds of honest men till they had made them a by-word and a reproach, and then the Government did not distinguish between the men and the office, but abolished the office. The Earl of Clarendon had made himself so unpopular in Ireland that the only party who supported him were the men he wanted to hang in Ballingarry. The men who supported him were the supporters of democratic government. He took the liberty to say, that if her Majesty's Ministers withdrew the Lord Lieutenant, they must send two commanders-in-chief to Ireland. The noble Lord was not the Prime Minister, he was not the Minister of the Home Department; but he acted there as the Solicitor of the Treasury. It was Downing-street against Dublin. Now, he (Mr. Grattan) denied the right and power of the court; he challenged the array. He told the noble Lord that he was seeking that which was above his powers, and that which he could not accomplish by law. In the nineteenth century they had discovered some objections to the Lord Lieutenancy. Why, since the year 1361 they had had ninety-four Lord Lieutenants, and they had not found these objections. And they had had thirty-seven kings, and there had been no objection to the office by any one of them, except that there was a miserable letter from George III., and the letter of Lord Somers. Allusion had been made to Glasgow and Edinburgh. Allow him to state that persons had gone to those cities, and had reported against the state of nudity—he did not mean personal nudity—but the state of nudity those cities were in. They had no court in Edinburgh or Glasgow; there was no court at Holyrood-house; but when Scotchmen came to London, they stopped as long as they could. It went to denationalise the people, and that was the object of this measure. This office was created by the people of Ireland. The peers, princes, and magistrates of the land chose to make the English monarchs lords of Ireland; they gave to them the rights, titles, and prerogatives of chief magistrates, and exacted from them that they should give charters and laws. What was that but a compact? They would find it in the British Museum, in the works of Andrew Paris, in *Giraldus Cambrensis*, and in Brant. The office was afterwards performed by deputy, and in the time of King Henry VIII. an Act was passed making him king of Ireland, and hence the name of deputy was changed into that of Lord Lieutenant. The noble Lord had said that if Mr. Pitt had lived, he would have supported the measure. Now, in 1799, when the question of the Union came before the House, Mr. Pitt made use of these words, "Ireland cannot justly complain, because it is not proposed to remove the Lord Lieutenant." Then at that time Mr. Cooke, who was the friend and secretary of Lord Castlereagh, published a pamphlet in which he told the Irish people that this office was not to be abolished. And Lord Kilwarden said, "Dublin will remain the perpetual residence of the representative of Her Majesty." And Mr. Foster, who was Speaker of the House of Commons, went further. He said, "Dublin will continue the metropolis of the kingdom, in which, as in all other countries, its nobility and its gentry will reside." The noble Lord at the head of the Government said they were not to resort to Dublin, but to London. Mr. Foster went on to speak of the university and of science, and he said, "This will become the tranquil site of eloquence, of arts, and of learning." There was a justice in Providence that the very men who meant to do mischief turned evidence against them. Did not this evidence show that Ministers were not to be trusted? Trust them not; they were all alike, saving a little difference in stature, and a little difference in intellect. And then Mr. Cooke said—

> "The union is to make no change in the establishment of your viceregal court, which will distinguish and adorn your society, and which will remain in all its splendour. It will continue to draw within its circle from all parts of the kingdom the rank, the fashion; it will give employment to your manufactures, and secure a supply of the luxuries as well as of the comforts of life."

Now, he asked, was the noble Lord about to do this—was he about to improve and enrich Ireland? The noble Lord talked of jobs. He (Mr. Grattan) did not wish to press Government severely, because when he had the advantage of a man, when he had him down, he did not wish to knock out his brains. He asked the noble Lord how dare he talk about jobs? He would read him a lesson. Do not mention Downing-street in connexion with jobs. He would call their attention to a certain transaction connected with Ireland. The noble Lord had alluded to one revolution. He would allude to the revolution of 1782. Ireland had at that time 100,000 men in arms to assert her rights. When the Government of England was changed, and William III. was set up here—a name he should always revere, however much it was reviled—a Lord Lieutenant was sent to Ireland, who was thought likely to assist in bringing their honesty to the Downing-street standard. In 1782, just as a proposition in favour of Ireland was about to be brought into the House, an English Secretary was sent over, who addressed himself to Lord Charlemont and Mr. Grattan, and wanted to bribe them. Aye, a Downing-street Secretary offered a bribe to Lord Charlemont and to Mr. Grattan; and what was the condition? "Delay the question; don't bring it on in Parliament (those were the very words); wait till we have fixed ourselves in the Cabinet, till we have shown our force to the English Ministry, then you may bring forward your proposition." Those two men had the wisdom of Fabricius, as well as the honesty of Cato—they were incorruptible, and Irish honesty carried them through. They brought forward the question a few days afterwards, and carried it triumphantly. They made a convert of the English Secretary, who found out that Hibernian honesty was much better than the dusky commodity of Downing-street. Those patriots came to the following resolution, and he would recommend the sentiment to the attention of Englishmen:—

> "That we cannot forbear expressing our gratitude at His Majesty's appointment of the Duke of Portland to the government of this kingdom; that we are convinced that his representation was faithful (alluding to the representations which the Duke of Portland and Mr. Fitzpatrick had made to the English Court); and that a free people and an uncorrupt Parliament will unite to give a constitutional Chief Governor decided support."

That accounted for Governors being bearded in Dublin. When they ceased to be constitutional and frugal, and wished the Irish people not to be free, then they were bearded, either by a man at Ballingarry, or a man at Dolly's Brae. Whenever a Minister had come from Downing-street on an important occasion, he had been the author of mischief in Ireland. He would give an instance. In 1785, under the viceroyalty of the Duke of Rutland, he and Mr. Orde brought forward eleven propositions in favour of the trade of Ireland; they were accepted, and Parliament granted 140,000*l.*, having before granted 100,000*l.* in 1782, and raised 20,000 seamen, who had afterwards fought in the naval battles and helped to gain the victories of this country. The eleven propositions were sent over to England. What did the "fourth Secretary," as he might style him, then do? He proposed twenty-two resolutions, trenching upon the rights and liberties of Ireland, and sowing dissension between the countries; these were adopted in preference to the others; but the 140,000*l.* was never returned. In 1795 Lord Fitzwilliam had come over, with a promise, in the very words Mr. Pitt had used, in favour of the Catholics; and on the strength of that, the Parliament granted 200,000*l.* There was no doubt that while the English Government sent them good Lords Lieutenant, and coaxing, pleasant Secretaries, such as the hon. Baronet now on the Ministerial bench, they were able to get all the money they wanted. In this case the Government obtained the grants, but the promised measure of relief was never passed. In proposing this measure, Ministers were laying down a bad principle; they ought to adhere to compacts and treaties. Nothing could be more dangerous than for a Minister to lead the van in popular infidelity, for such it was. The example would be readily seized on by those whose conduct began with treachery and ended with treason. But he would give the House English as well as Irish examples of the purity of Downing-street—that polyglot museum of virtuous Secretaries—where they were enshrined in cases, and only let out *ad libitum*, either at the will of the Minister, or the dictation of the Sovereign. Did they never hear of the names of Mr. Trotter, or of Mr. Steele, or of a defalcation in the Navy department, or of the impeachment of Lord Melville? Was it to be tolerated that the occupants of Downing-street should turn round and tell the Lord Lieutenant that he was a jobber? Had the House forgotten the names of those military officers who figured in an examination at its bar, along with Mary Ann Clark, in the case of the Duke of York? He would advise his countrymen to rely on their own Irish integrity and honesty, and to mistrust that of Downing-street, even when presided over by the noble Lord. The proposition now made arose from frenzied folly on one part, and angered ambition on another. Lord Clare had tried to coerce Ireland, but he fell into his grave in the act. He could not forget the virtues, notwithstanding many errors, of Lord Hardwicke, of the Duke of Richmond, and of the Duke of Bedford. The noble Lord deceived himself if he thought he could walk up and down Downing-street with Ireland under his arm—dressed in tabinet, he supposed? The idea was so ridiculous that it would, doubtless, be laid hold of in *Punch.* The noble Lord might imagine this would reconcile all parties, with the help of some additions to the peerage—such as the Marquess of Ballingarry and the Duke of Dolly's Brae. The truth was, if these continued attacks on Ireland were persisted in, Irishmen would be compelled to hate Englishmen. This was no economical measure; for it would involve several new appointments. The time was ill chosen for bringing in this measure, when there were 40,000 soldiers in the country, besides police, and the people were flying from the country as fast as they could get out of it, leaving it in despair, because it had been beggared and made uninhabitable. Both Orangemen and Catholics were leaving, not because they hated each other, but because the English Government would not let them love each other. Would the House believe it, that in the last ten years no fewer than 912,000 persons had left Ireland, of whom 178,000 had gone to New York. The people had gone from his own lands; he could not help it; he could not keep them at home. What was more, in 1848 and 1849 no less than 408,000 had gone to America—not to British America, but to the United States. In that country the whole expense of the Government was eight millions; here it was sixty-five millions; but the people went there not so much for cheap government as for good government. The noble Lord was driving them away by his measures. He might get rid of a viceroyalty in one country, on grounds of economy; the socialists and communists would get rid of a royalty in another, for the same reasons. Let the noble Lord beware of the encouragement which this would give to the democratic principle. The people of Dublin complained, not of the removal of offices or emoluments, but because they would be shut out from all communication with the Government. By taking away the Irish court, gentry with dilapidated fortunes would be brought over here to associate with similar persons in this country; and thus an unfavourable impression would be created of the morals of the people of Ireland. The noble Lord was an advocate for going further, though he would not do away with the Irish courts of law. If they lost their Ambassador to France, he would advise them to keep the Lord Lieutenant in Ireland. Remove the court, and what would become of the charities? Now durst any one teach them to violate the rules of charity, and to neglect their first duty towards their poor fellow-creatures? The grants for charitable purposes in Ireland had been reduced from 400,000*l.* to 175,000*l.*, and the letter of Mr. Redington said they were further to be reduced ten per cent every year till they came to nothing. Thus while the court was taken away, the direct Government aid to the charities was rapidly diminished. The number of these charities was great; there were thirteen dispensaries, and seven convents, the benefits of which were very great, especially that established by the Sisters of Mercy. Out of sixty-one charitable institutions in Ireland, only eleven were supported by Government, the remainder were supported by Dublin; but how would it be if the court was removed? If such things were done now, what would take place when they got a fourth Secretary in Downing-street, and had no longer the Lord Lieutenant to appeal to? Were the sheriffs and juries, who had representations to make in criminal cases, to be sent through "the Bangor tube" to wait upon "the fourth Secretary" in Downing-street? Representations of this kind were frequently necessary. The Fever Hospital of Dublin had already suffered from the diminished support; the institution had been obliged to give up its cars for the removal of patients, who were now conveyed in hired public vehicles, to the imminent risk of the public at large who used them. Another institution, the Lying-in Hospital, had been compelled to appeal to 400 noblemen and gentlemen, in consequence of the diminution of the Government grant; and to these 400 applications they only got fourteen answers, with donations of fifteen guineas. It was idle to say that the country was prospering, or to talk of good news from Ireland. True, the sun shone; but were not the people fleeing from the country, and leaving their rents unpaid? At one place he had seen forty evicted individuals, who had slept all night in an open field upon straw. The gentry of Ireland were obliged to stay and witness these scenes of misery. Let no one dream of restored prosperity and peace from the operation of such a measure as the one now proposed. He would call upon the House to repent in time. Let them not delude themselves with the notion that the appointment of a fourth Secretary of State would restore that wealth, prosperity, and peace of which the Irish metropolis had been deprived since the Act of Union. At the time that measure was adopted, there resided in Dublin one Duke, four Archbishops, twelve Bishops, three Marquesses, forty-one Earls, twenty-one Viscounts, and nineteen Barons. The property of Dublin then amounted to 2,000,000*l.* In 1831—thirty years after the Union—Dublin was favoured occasionally with the residence of one Duke, and the resident nobility had been reduced to two Archbishops, five Earls, and three Barons; and the property, instead of 2,000,000*l.*, was only 96,000*l.* In 1850, Dublin had the advantage of the occasional residence of one Duke—the Duke of Leinster—and amongst the residents were only one Archbishop and one Earl, and the property had become reduced to 20,000*l.* He hoped that time would, at least, be afforded to the people of Ireland to express their sentiments on the measure. He contended that this office was granted to Ireland not by charter but by compact, and that that House could not break the solemn compacts and treaties of nations. He defied any lawyer to say that this Bill, if carried, would not be an infringement of the principles of the constitution. He maintained that the proposed Secretaries for Ireland would not be more honest than many of those individuals who filled the office of Lord Lieutenant. With reference to the state in which Ireland had been placed by the conduct of Lord Clarendon, he might say—

> "Jacet ingens littore truncus
> Avulsumque humeris caput."

Or he might apply a still apter quotation—

> "Quid Crassos, quid Pompeios evertit et illum
> Ad sua qui domitos deduxit flagra Quirites."

Should he say—Hibernos? He would merely add that Ireland had made herself the slave of England; she had given England her blood and her treasure. She had sent forth men to reap and gather in the harvests of England, to build her palaces and to ornament her cities; she had given to England money and blood to fight her battles and win her triumphs; she had given to England a Wellington and a Gough; and, for thus immortalising the name of Englishmen, this abolition of the remnant of her past prosperity was presented to her by way of acknowledging her services.

Mr. GROGAN begged to give his cordial support to the views of the hon. Gentleman the Member for Meath; and the fact of his doing so ought to be a proof to the noble Lord, who unfortunately was not present, that the evil to result from this measure was not felt alone by one party, but that it was the universal opinion that it would inflict a great injury on the city of Dublin. He regretted that on this occasion not a single Cabinet Minister was on the Treasury bench. [*Mr. Fox Maule, amidst loud cheers, took off his hat and bowed to the hon. and learned Member.*] He had not seen the right hon. Gentleman; but unquestionably the noble Lord by whom this measure was brought forward, or the right hon. Baronet the Secretary of State for the Home Department, or the right hon. Baronet the Chancellor of the Exchequer, ought to be present; yet not one of them would condescend to remain there and hear the case of the Irish Members. That bespoke a foregone conclusion; it proved that the Government were determined to carry their measure, be the arguments against it what they may. He would proceed to answer the arguments which had been used in support of the proposition of the noble Lord at the head of the Government. It was not their fault that the power vested in the Lord Lieutenant was restricted, much less should it be used as an argument to deprive the city of Dublin of the benefits which his residence there conferred upon it. The facilities for oral communication which the new Secretary of State would have with the other Members of the Government had been urged as a reason for abolishing the office of Lord Lieutenant; but on that point he begged to refer to the opinion expressed in the year 1830, when the subject was formerly under discussion on the Motion of the hon. Member for Montrose by the then Secretary for Ireland, Lord Francis Leveson Gower, the present Earl of Ellesmere. What he (Mr. Grogan) wanted to show was, that though it might be convenient for the Secretary for Ireland to have an opportunity for oral communication with the Members of the Government here, there was a still greater necessity for having facilities for communication with the officers of the Irish Government. It was said on that occasion by the noble Lord to whom he had referred, that he was never more convinced of the advantage that accrued from oral communication with the officers of the Irish Government and the legal advisers who were acquainted with the feelings of the people, than during the late trials; and that that advantage could not be compensated for, by affording a facility for communicating with the Secretary for the Home Department. But, under the present system, there was no difficulty, if necessary, of having that oral communication between the Irish Secretary and the Members of the Government. There were times when the Secretary for Ireland was a Cabinet Minister. The Earl of Lincoln was a Cabinet Minister when Secretary for Ireland, and so was the right hon. Gentleman the President of the Board of Trade when he filled the same office. It was said that it would be a benefit to the Irish gentry not to have to resort to the Irish court, as they would spend their money in the metropolis; but in the same breath, with singular inconsistency, the noble Lord said they could resort to London to pay their respects to Her Majesty. Another reason urged was, that the magistrates and other parties charged with internal duties, resorted to the Irish office for information on a variety of points, when they ought to decide those points themselves. He (Mr. Grogan) thought that was an unfortunate objection on the part of the noble Lord. The magistrates of Ireland had good reason to know that if any course were safe, that was their safe course. When, according to the best exercise of their intellect, they endeavoured to carry out an Act of Parliament, they had been reprimanded for so doing. What had occurred the other day in the north? They saw three magistrates dismissed from the bench, because they exercised their own independent judgment, and differed from the opinion of the Attorney General; but their opinion was confirmed by other benches of magistrates and by the Chief Baron. It was likewise said, that the Secretary of State would be on the spot to defend himself in Parliament; but there was as little weight in that argument as in any other, for he must get communication from Ireland, and should be guided by the advice received from that country as to the policy which the state of the country required. Every argument urged by the noble Lord might be used as an argument for the maintenance of the office. The economic question had altogether been avoided, and the noble Lord said, that if that were the sole consideration in view, it would not weigh with him at all. Taking all things into account, there might be some small annual saving in pounds, shillings, and pence; but he was afraid that there would be an annual loss in the shape of dissatisfaction and discontent, and, above all, of suffering and injury to the city which he had the honour to represent. It was the last remnant that remained to Ireland of what she was previous to the Union. There were many men alive who remembered what Dublin had been before the Union; but where now were the noblemen that then resided there? They were in this country, to which all their public establishments, one by one, had been removed. And for what reason was this blow to be inflicted upon them? Who had applied for this measure? There was no petition for it—there was no allusion to it in the Speech from the Throne—no notice that would have induced the Irish people to protest against it. He begged to read an extract from the argument in favour of the Union in the *Memoirs of Lord Castlereagh:*—

> "Thirdly, though our Parliament will meet in England, there will be always a court in the capital; and, therefore, so far as the amusements of polished life are concerned, there will be no increase of inducements to resort to the great capital of the nation."

But now it was proposed to abolish that court. A great decrease had taken place since 1800 in the productive industry of Ireland. He referred to a statement made in 1841, from which it appeared that up to that period a great reduction had occurred. For instance, in Limerick, in 1800, there were fifty-six lace manufactories; there were now only twelve. In the town of Roscrea there were 900 linen manufacturers; in 1840 there was not one. In Dublin there were 2,500 silk manufacturers; there were now only 250. These were only instances; the same was the result of every other trade. Of stuff serge manufactories, there were twenty-five before the Union—in 1840 there was only one; at the period of the Union, ninety-one master manufacturers and 4,389 operatives; but in 1841 the masters had dwindled down to twelve, and the operatives to

682. A similar decrease had taken place with respect to wool-combers, carpet-manufacturers, the blanket-manufacturers of Kilkenny, and other trades. They had sunk under the great power and capital and superior commercial talent of England, and now it was proposed to remove what he might call the last remnant of their nationality. The diminution had even gone further than he had stated, and so far only were the returns incorrect. Their police and their crime had, during the same period, increased, and a great portion of that was the necessary consequence of their poverty. The population were leaving the country. Those who had escaped the pestilence were fast emigrating to the United States—the Government of which might, perhaps, to-morow, be found in a hostile attitude to this country. It would be well for the Government to pause in the course which they were pursuing. They all knew the complaints which had been made of the manner in which some districts of England had been inundated with Irish pauperism. They had also seen the manner in which the Irish poor had been sent back to their own country, and how a lazaretto had been established to check the communication between one part of the united kingdom and another. They had overladen Ireland till she could no longer bear up against the burden. Look at what was passing in the Encumbered Estates Courts. Some bold men were found to purchase, and he hoped they would continue to do so; but what had become of the original owners of the soil? They were being swept away to make room for new proprietors, who could not be expected to cherish the same sentiments and attachments to the spot as their predecessors. The result of the course they were pursuing would soon be to drive every man of consequence from Ireland, which would then become a wretched colony, governed by tax-gatherers and excisemen. It was not the loss of the sum that was allowed for the maintenance of the office which they complained of, for that was comparatively trivial, but they complained of the loss of the expenditure of wealthy families who frequented the court in Dublin, for that expenditure would be removed to London. He believed that there existed throughout Ireland a very strong feeling upon this subject, and that had the people of that country received due notice, or believed that it was really the intention of the Government to bring forward the measure, the petitions against the Bill would have been far more numerous than they were at present. The measure, if passed, would in his opinion inflict a lasting and ruinous injury upon the inhabitants of Dublin. He could not see how the numerous artisans and poor persons of the city of Dublin could be benefited by the saving in public expenditure which would be effected by the abolition of the viceroyalty, especially when that abolition would be accompanied by the withdrawal of the few remaining nobility and gentry of the country. The allowances made to the various medical and other charities had been constantly reduced, and it had even been said, that in order to carry out more effectually the system of centralisation, it was the intention of the Government to discontinue the establishment at Kilmainham for the poor worn-out soldiers of the country. Feeling as he did most strongly upon the subject, he should give his most strenuous opposition to the measure in every form in which it might be brought forward.

Mr. W. FAGAN, though he was in the habit of acting in political matters according to the dictates of his own judgment, would candidly confess that if there were a general expression of opinion in Ireland against the measure of the noble Lord—nay, more, if the people of Dublin had exhibited any very decided hostility against it, he would act in that case against his own judgment, and oppose the Bill; for it was a principle in politics with him, that the people are generally right—that they are seldom wrong, and never very long wrong. But he perceived in Ireland no such very general expression of sentiment against the abolition of the office of Lord Lieutenant; and, even in Dublin, with a population of over 300,000 inhabitants, the feeling must indeed be languid, when the only petition produced there was the one presented that evening by the Lord Mayor of Dublin, having only ten thousand signatures. He, therefore, felt himself at liberty to adopt the course his judgment suggested, and support the measure of the noble Lord. He agreed in opinion with the noble Lord, that in either of two cases—whether the people of Ireland were desirous of a real and complete union with this country, and of trying the experiment once more whether an English Parliament could legislate with justice for a people of different race, religion, and character; or whether, on the other hand, they still clung to the hope of having a domestic legislature for the management of their own affairs: in either case, as was stated by the noble Lord, the abolition of the office of Lord Lieutenant would be beneficial to Ireland. In the first case, it is impossible to have a real and complete union with England, and to participate fairly in all the institutions of that country, unless Ireland is directly governed by the Sovereign through a Secretary of State having a seat in the Cabinet. In the second case, he always held the opinion, that without union amongst all classes, creeds, and parties in Ireland for a common purpose—without a strong and general national sentiment, the repeal of the Act of Union could never be achieved. Now, there is no hope of such union so long as the office of Lord Lieutenant remains—so long as "the reign of jobbery," as George the Third called it in his letter to Mr. Addington, quoted by the noble Lord—so long as that reign of jobbery continues—so long as intrigue and faction are upheld in order to maintain English interest against the measure of the repeal, so long will division exist—and so long will the repeal of the Union be impracticable. But the moment that fruitful cause of discord and faction is removed, then they might hope to find Irishmen working together for a common object—the regeneration of their country. Was there, he would ask, anything in the history of Lord Lieutenants to induce them to hope, judging from the past, that there was any benefit to be derived from the continuance of that office? He would take a cursory glance at the history of the Irish Government from the commencement, to show how injurious and hostile to Ireland it ever was. From the time of Henry the Second to the reign of Anne, Ireland was governed by military chiefs, whose vocation it was to trample on the Irish within their rule, to resist the attacks of the natives from outside the pale, and to oppress the Catholic population of that country; and when their military duties were suspended, they turned their attention to destroy the infant manufactures of Ireland, as witness the conduct of Strafford in the reign of Charles the First, and of the Lord Deputy in the time of William the Third, who so ably seconded his master that he most effectually crushed the woollen manufacture in that country. From the reign of Anne to 1782, during which period the Catholic population of Ireland had no political existence, and when the only national party in the country were the Protestant gentry; during that period—he referred particularly to the times of Swift, of Lucas, and of Molyneux—the unceasing efforts of the Lord Lieutenants were to crush that national party, or to corrupt it, to raise up an English interest in Ireland in opposition to that party which every chicanery and cajolery were employed to divide and weaken. Every reader of the history of that period recollects the conduct of the Lord Lieutenant of the day, when the Irish House of Commons refused to pass a Money Bill because it did not originate with them, but, as the law then required, with the English Privy Council. He came down to the House of Commons to browbeat and intimidate them for this noble patriotism, and insisted on placing a protest against their proceedings on the Journals. This conduct of Lord Townsend was but a specimen of the unvarying hostility of every Irish local Government to Irish interests. From 1783 to the Union, the Lord Lieutenants, with one exception, to which he would take occasion shortly to allude, appear to have had but two objects in view—to obtain commercial advantages for England over Ireland, and by every means, even to the instigation of rebellion, to carry the Union. From 1801 to the present time, the history of Irish Viceroys is easily told—from the Union to 1806, it was the system alternately to cajole and insult the Roman Catholic population. During the short administration of the Duke of Bedford the policy was to give a triumph to neither party. Then came the Duke of Richmond, whom he was surprised to hear his hon. and learned Friend the Member for Meath praise. That Lord Lieutenant governed avowedly and openly for a party, and through a party, and that the Orange party, and for years the same policy was followed by his successors—by Talbot, Northumberland, Haddington, and others. The Marquess of Wellesley was generously disposed towards Ireland, but he was controlled and thwarted by his own officials—by the right hon. Member for Cambridge University, for instance. He, backed by the English Government, prevailed, and the Marquess of Wellesley's good intentions came to nothing. The Marquess of Anglesey, in his first government of Ireland, showed a noble and chivalric disposition to do justice to that country; but the moment that disposition openly displayed itself, he was recalled for daring to advise the Roman Catholics to persevere in their efforts for Emancipation. Then there was the Marquess of Normanby, the most popular Viceroy that Ireland ever had. But what was the result of his generous and noble conduct while in that country? Was he not persecuted without cessation in both Houses of Parliament, and was he not but poorly sustained by his own party, and all because he loved Ireland not wisely but too well? The other Viceroys since 1836 he need not mention. They had on that occasion but one duty, namely, to discourage and repress the national sentiment then rising up in favour of a repeal of the Union. Of Lord Clarendon he would say nothing, from motives that may easily be appreciated—because, feeling as he did towards that nobleman, he feared that if he spoke of him as he had often before—he would be, as he had been already, subject to misrepresentation. From the very commencement to the end, he could but point at four Lord Lieutenants who had shown a disposition to sustain and forward the interests of Ireland, and the result was their own sacrifice. The first was Sir John Perrot, in the reign of Elizabeth, who was tried for high treason, because of his generous conduct in Ireland, and he only escaped execution by dying in the Tower. The next was the Earl of Fitzwilliam, who came to Ireland as Viceroy in 1795, with the view of emancipating the Catholics; and the moment he developed that determination he was recalled. The third was the Marquess of Anglesey; and the moment the chivalry of his character made him come forward to support Irish interests, he was sacrificed. And, lastly, there was the Marquess of Normanby, a thorough friend of the Irish people, who feel to this day that he was badly treated by his enemies, and poorly supported by his friends, because of his sympathy for them. It is clear, then, that, with few exceptions, the object of these Lord Lieutenants, from the beginning to the end, was to break down public spirit in Ireland—to oppress, and then divide, in order to rule—at one time governing on the principle of giving a triumph to neither party; at other times, and far oftener, on the principle of ruling for a party, and through a party. It cannot then be denied, that, in a political point of view, the office of Lord Lieutenant was not advantageous to Ireland. But it was said by the hon. and learned Member for Dublin, that the removal of the office would be carrying still further the baneful system of centralisation which now-a-days was so much the fashion. Now he (Mr. Fagan) was opposed, as much as any one, to that system; and he was free to admit, that if the viceregal government was now surrounded, as it used to be, by various State departments—by an Exchequer—by Excise and Customs—by military establishments, and that these all were to be swept away, he would abandon his objections on political grounds to the office, and would oppose its abolition. But all these establishments have long since been centralised in London, and the abolition of the Lord Lieutenancy centralises nothing—it merely uproots a bad system of jobbing, intrigue, faction, and place-hunting, and gives to Ireland the advantage of being governed directly by its Sovereign, and not by a proconsul. This, of necessity, as in all large monarchies, entails centralisation towards the seat of government; but the only remedy for that is local institutions of a truly national character. The noble Lord the First Minister has stated that the courts of law are not to be removed, and indeed any man with ordinary reflection must see how impossible it was to do so. The police establishment would also be retained; so that, in point of fact, there was no centralisation at all. He was very much struck with a remark of the noble Lord, with which he fully concurred. It was this—that the existence of a Lord Lieutenant close at hand, took away all self-reliance on the part of the local authorities and magistrates in that country. This was quite true: day after day, from all parts of Ireland, the Castle of Dublin was inundated with applications for advice on the most trivial subjects, and the magistrates seemed afraid to act on their own responsibility. They will henceforward feel more self-reliant; at the same time, when advice will be really necessary to be obtained, there will be the Chancellor, an Irishman—and long may he continue to fill the office! ready to afford the information. The noble Lord did not refer much to the expenditure occasioned by the residence of a Lord Lieutenant in Dublin. He was right; for, in his (Mr. Fagan's) opinion, the expenditure was but of trifling advantage. Supposing there were 100,000*l.* a year so expended, he maintained that the greater part of that was expended amongst a few retailers of English and foreign manufactures, and amongst English domestics, and that the Irish artisan received very little benefit from it. It was true, some few shopkeepers would for the present suffer by the change—for this he was sorry; but it was always so—no great public benefit ever takes place without injuring some. But after a time it would be more advantageous to all employed in trade and business. [The hon. Member then quoted a passage from Adam Smith's *Wealth of Nations*, to show how far more those great towns prospered by their persevering industry that had no court resident there; and, on the other hand, how the population of all towns that were dependant on the expenditure of a court languished in poverty without exertion, and without self-reliance.] There was another objection to the abolition of the Lord Lieutenancy, which was made in the debate in 1823, by the right hon. Gentleman the Member for Cambridge University—which would show the light in which the office was regarded by modern statesmen. The right hon. Gentleman used this argument against the Motion in 1823 of the hon. Member for Montrose, for the abolition of the Lord Lieutenancy. He said—

> "It was necessary that there should be some emblem of royal authority kept up amongst them as a sort of relief from the painful feelings of subjugated men."

There was a reason for the retaining the office! a toy for the people. But he would tell the right hon. Gentleman that whatever may be the state of mind of the Irish nation in 1823, it was not now to be cajoled or dazzled by such a bauble as that. No, the very contrary was the case; for, as Sir Henry Parnell said in the same debate—

> "The people had suffered so much injustice from local Irish government that they never would place confidence in it; and if you wish them to change that feeling—if you are desirous of trying yourselves how you may succeed in winning their confidence, you must abolish the Lord Lieutenancy."

In that opinion he (Mr. Fagan) concurred. The Proconsular Government of Ireland must be got rid of—the intrigues and faction and place-hunting at the Castle must be abolished, and Ireland must be governed by Her Majesty directly through her Secretary of State having a seat in the Cabinet, and responsible for his acts. He was glad to hear it officially announced that Her Majesty would occasionally—he hoped annually—visit Ireland, and that the Viceregal Lodge was to be kept up for her accommodation. The expenditure which those visits would occasion, even for one fortnight, would exceed the expenditure for a whole twelvemonth occasioned by the residence of the Viceregal Court. But putting these considerations aside, he would reiterate that he supported the abolition of the office, because of its political consequences to Ireland, and principally, and above all, because of the union amongst Irishmen, for the nation's good, which would unavoidably follow.

Mr. M. O'CONNELL declared it to be his intention to vote against the Bill. On the present question he considered himself to stand in that House, not as an Irish Member, but as a Member of the Imperial Parliament, and as one who was bound to look to imperial interests. Now, in his view of the case it was the interest of all Her Majesty's subjects to continue the connexion between England and Ireland as long as possible. If he were to argue this matter as one who was ready to adopt any means to gain a desired end, he should vote with the hon. Gentleman who had just spoken; but, feeling himself pledged to endeavour to preserve as long as possible, as a Member of that House, the connexion between the two portions of the united kingdom, his opinion was that he was bound to vote against this measure. As a repealer, he should not ask a greater boon than that the measure should be carried. As a Catholic, it offered him the strongest and most speedy means of getting rid of the temporalities of the Church in Ireland. But they were now dealing with a subject which was neither an Irish nor an English subject. They were dealing with a matter with which, in his opinion, they were not thoroughly acquainted. They were not aware of the inherent love of the people of Ireland for any institution which had been long established amongst them. After this Bill had passed, the question would be, not repeal, but separation. It would be no mock rebellion, no mock insurrection—12 policemen with a few fellows before them in a farmyard—but it would be likely to unite the people against the Government—to bring the people into collision with the law. The object of Mr. O'Connell always was to keep peace and good faith between the two countries; and it was because he (Mr. M. O'Connell) was anxious to do the same that he should oppose this Bill.

Mr. B. OSBORNE said, he could not help admiring the extravasated genius of the hon. and learned Member for Meath, as exhibited in his opposition to the Bill; nor could he refrain from congratulating the Lord Mayor of Dublin, on his having found a colleague that evening who had made one of the best repeal speeches he had ever heard. However important the question at issue might be—and in point of fact it involved the whole future government of Ireland—to him it appeared to rest within the narrowest compass. It was nothing more nor less than whether the government of Ireland was to proceed on the same principle as the government of Scotland or Wales, and whether Ireland was to be finally incorporated with this country? If it could be shown that the difficulties of communication with Ireland were such as to place her in a totally different position from Scotland; if it could be shown that under a Lord Lieutenant Ireland had prospered, her people had been in a state of comfort, and her commerce had increased, or if, further, it could be proved that the retention of the office was bound up with the feelings of the Irish nation, in either of these cases the office ought not to be abolished, seeing that it was as cheap a pageant as the most ardent financial reformer could devise; but if the reverse of all this were true, then hon. Members might well consider whether they ought not to support the Bill under consideration. Now he did not give his support to this Bill from any abstract love of political uniformity, for he believed that the greatest mischief had arisen from attempts to engraft English institutions on Irish habits. But, on the other hand, he was not to be deterred from voting for the Bill by the cuckoo cry of centralisation. If indeed it was proposed to remove the courts of justice from Ireland, or to abolish all the local boards of charity, or if, further, it were proposed to rob his hon. Friend the Lord Mayor of Dublin of his civic crown, and to place it on the brow of the Lord Mayor of London—then would he admit that this was the most mischievous scheme of centralisation that could be imagined. But he apprehended that nothing of this sort was contemplated. So far from thinking that the office was a proof of nationality, or that there were any sentiments of national pride connected with it, he considered it as great a parodox in government as in nature, that the shadow should remain when the substance had departed—that the Viceroyalty of Ireland should flourish when the Irish Parliament had ceased to exist. He regarded the existence of the office of Lord Lieutenant as a proof of national serfdom, and knew of no other office which tended so much to demoralise Ireland and to weaken England. The office of Lord Lieutenant was originated at a time when the difficulties of going to Ireland were greater than those attending a voyage to Nova Scotia were at present, and when the inspired words of Grattan were nearly true, that "the sea protested against the union of the two countries." When Lord Stafford was about to proceed to Ireland as Lord Lieutenant in 1633, he was delayed three months by contrary winds, and having started, he was unable to proceed, because the Irish channel was infested with pirates, until a ship of war had been sent round from the Thames. But now that the skill of the engineer had outstripped the genius of the legislator, and the science of Stephenson had done more to incorporate Ireland with England than all the laws which had been placed on the Statute-book—distance at least formed no ground for retaining the office of Lord Lieutenant. The hon. and learned Member for Meath had asked the House whether they would abolish a national institution which was dear to the hearts of the Irish people. A national institution! Why, if ever there was an institution which was anti-Irish in its tendency and anti-national in its design, it was that of the Lord Lieutenant. From the year 1172, when the first Lord Lieutenant was appointed to rule over a miserable territory under Henry II., down to the present time, how many Irishmen, he would ask, had been appointed to fill the office? From 1711 to 1800, only one Irishman held the office; from 1800, down to the present day, it had been held by two Irishmen. If they ran over the list of Lord Chancellors, he thought the case would be found the same; it was certainly the same as regarded the Chief Secretaries for Ireland. The hon. and learned Member for Meath had referred to the history of Lord Lieutenant, and had quoted early writers to show that the existence of this office was the subject of a compact between the Irish people and Henry II. Why, surely the hon. Gentleman must know that the people did not then exist. A few Anglo-Norman barons attempted at the time to make some compact with the king, but, notwithstanding that, the argument used would not hold water. What were the histories of the Lord Lieutenancies? Could any Irishman look back to them with pride? He would quote to the hon. Gentleman a passage from the life of one of the most successful Lord Lieutenants of his day—Lord Mountjoy.

These were the results of English policy under Lord Deputy Mountjoy, in the words of Sir John Davis:—

> "Whereupon the multitude being brayed as it were in a mortar, with sword, famine, and pestilence together, submitted themselves to the English Government with demonstrations of joy and comfort."

What was the project of the Lord Deputy Surrey in 1528? Why, to transport the Irish altogether from the country, and to stock the land with English. [Colonel DUNNE: They are doing so now.] It was not fair in anybody, far less in a Member of that House—to say that the Government were transporting the people of Ireland. That sort of thing might do well enough for an obscure print, but it was unworthy the position of a Member of Parliament. In 1633 Lord Stafford, being Lord Lieutenant of Ireland, said in a letter to Charles I., "The benefit of this Crown shall be my principal and sole end." He came now to the reign of Queen Ann. The following was the description given by Dean Swift—that patriotic Irishman, who was always boasting that he was not an Irishman—of Lord Wharton:—

> "He contracted such debts in England, his friends were forced to leave Ireland at his mercy. He has sank his fortune by endeavouring to ruin one kingdom, and hath raised it by going far to ruin another. He has gained 45,000*l*., half in the regular, half in the prudential way."

The following was Mr. Grattan's description of the Marquess of Buckinghamshire:—

> "This was the man who made his entry into Dublin, seated on a triumphal car drawn by public credulity, on one side fallacious hope, on the other many-mouthed profession; a figure with two faces—one turned to the treasury, the other presented to the people, with a double tongue speaking contradictory languages."

What was the description given of the Lord Lieutenancy by a popular agitator in 1850, a friend of the Lord Mayor? He termed the castle a sink of corruption, &c.—

> "I believe that if that sink of corruption, that hot-bed of sycophancy, Dublin Castle, as a viceroyal institute, be removed from Ireland, Orangemen and Roman Catholics, Whigs, and Tories, will see the folly of their divisions, and unite for the good of their common country."

The hon. and learned Member for Meath knew very well that until lately it had never been customary for the Lord Lieutenant to reside in Ireland. Of twenty Lord Lieutenants in one century, Lord Townsend was the only one who resided there; and what did he do? Why, he left a debt of 260,000*l*. amongst the Irish people; and Dean Swift, lamenting the state of Dublin, said—

> "We are so far from having a king to reside among us, that even the Viceroy is generally absent four-fifths of his time in the Government."

What was the consequence? Why, that there never was any settled government at all. Lord Thurlow said, in a celebrated letter—

> "The people are scarcely settled with a representative of the Crown before intelligence arrived they were to part with him, and that another was appointed in his stead. This circumstance is sufficient to make them have a very poor opinion of British councils, and to produce a belief they were guided by caprice and whim."

He really thought that after his having made these quotations, the plea that the office of Lord Lieutenant was a national institution could hardly take its place among the claptraps usually submitted to that House. He found that whenever the Lord Lieutenant had been disposed to treat with consideration the native Irish, he was sure to become unpopular in England, and to be accused of sacrificing English interests. It was for this cause that Sir John Perrot was denounced and impeached in 1588; and Lord Fitzwilliam was recalled in 1795 because he wished for the emancipation of the Lord Lieutenant, and did not choose to be the tool of the English Minister. But, to come to their own days, why was the Marquess of Normanby ostracised by the Protestant nobility? For this single reason—because he presumed to recognise the existence of Roman Catholics. Another objection which he made to this office was, that being an office partly for show and partly for business, and being attended with a certain degree of parade, it had a great tendency to make royalty ridiculous. In this country, whatever might be the vices or defects of the sovereign, the king's name was a tower of strength; no one thought of entering into the consideration of the monarch's private life. But the inmate of Dublin Castle was the tenant of a gilded pillory to be pelted by every scurrilous vituperator. When a Tory Lord Lieutenant went to Ireland to succeed a Whig, orange flags were waved. The Castle tradesmen, too, were changed, being appointed, not so much for the goodness of their wares, as for the pliability of their votes. What happened if a Whig Lord Lieutenant succeeded? A new set attended the levees; the Viceroy's actions were severely scrutinised; if he advanced a Roman Catholic to an office, the cry was raised of the Church in danger; but if he extended the courtesies of the Castle to a popular leader, great was the commotion, frequent the meetings in the Rotundo; the Lord Lieutenant was anathematised from the pulpits, and denounced in the boudoirs of Dublin. He had himself heard the Marquess of Normanby likened by a popular preacher to Nebuchadnezzar, because he had asked Mr. O'Connell to dinner; and he had good reason to believe that the hon. and gallant Member who had lately been returned for Cork, owed his seat to the grave imputation which had been cast upon Mr. M'Carthy, that he had dined with the Earl of Clarendon. Her Majesty's deputy in Ireland was often treated worse than the unpopular candidate at a Westminster election. Earl de Grey, whose charities were always distributed as equally in Ireland as in England, has his name placarded because he had given away a shin of beef. Even the ladies did not escape, as would appear from the following paragraph, which had recently appeared in the *Dublin Evening Mail:*—

> "If the festivities of Dublin Castle are to continue to be conducted as they were at the late St. Patrick's ball, it were better the viceroyalty itself were abolished than to suffer the indecorums exhibited on that occasion to be engrafted on the social system of private life. If, however, the extinction of the viceregal office be thought too strong a measure of remedy, we would at least recommend that the closing ball of the season be given upon an anniversary less under the peculiar influence of our national saint, than St. Patrick's day. We are most unwilling to advert to a topic so ungracious; but pressed by so many curious revelations as encumber our table, and urged by the serious remonstrances of the truly polite and accomplished circle of fashion which still lingers round the castle with a view to sustain the dignity of the viceregal court, we cannot but say that public decency requires the extensive and rigid reform of a festivity which of late has degenerated into a saturnalian revel. We shall not be more explicit; but we trust that on the recurrence of the festival the incidents of the night will not require an announcement from the chamberlain's office, that 'stretchers have been provided for the accommodation of the ladies.'"

Did the Marquess of Wellesley meet with better treatment? The Roman Catholics of Ireland could scarcely forget that, in 1812, that distinguished man refused the highest rank in the Cabinet on their account. The historian of the Roman Catholic Association, however, said that in spite of all his abilities and intentions, the Marquess of Wellesley left Ireland without having conciliated one party, and being disliked by the other. Similar was the treatment of the high-minded Marquess of Anglesey. To come down to the present day. Lord Cornwallis never held the Government in such perilous times as Lord Clarendon. What had been the conduct of Lord Clarendon? He had pursued "the even tenor of his way" without looking to Irish or English interest, but looking to the public weal. In fact, such had been the treatment of all distinguished Lord Lieutenants, that a Viceroy could only hope to escape censure when he observed a decorous mediocrity; he could only elicit praise when his dinners were frequent, or when his cook was of first-rate character; in short, it is an office where an Amphytrion would be preferred to Solon, Beau Nash before Burke; and the convivial memory of a Rutland lingered longer in the minds of the people than the exalted wisdom of a Wellesley. There was another evil. He could not conceive a greater evil than a divided Executive. He asked, who was the responsible Minister, the Lord Lieutenant or the Chief Secretary? In 1822 there was no responsible Minister for Ireland. Who was the responsible Minister for Ireland in that House? There were certainly two responsible officials in the House, both men of undoubted ability. There was first the Solicitor General for Ireland; but if any one asked the hon. and learned Gentleman a question, he was first referred to the Solicitor General for England, then to the English Attorney General, and then to the Home Office; and it was only by a sort of Cæsarean operation that any information could be got from the hon. and learned Gentleman. There were the office of Chief Secretary. Although the chief secretaryship was a sort of preparatory school for English statesmen, the office was paid higher than of any Cabinet Minister. He received 5,500*l.* per annum; he had two houses besides the usual perquisites. When he first heard of the appointment of the right hon. Member for Drogheda, he had great hopes, from his known talent, and tried integrity, that he would have proposed measures for Ireland; he was the political partisan selected in 1846, who moved the Amendment which destroyed the late Government; he was the political Milo who rent the oak, and now, caught in the rebound, his hands were fettered. If he escaped from being devoured, it was only from his conciliatory demeanour and desire to please everybody. Was it not notorious that he was not allowed to propound any question connected with Ireland? Was it not notorious that if a question were aked, he was obliged to communicate with the Lord Lieutenant? Was it not notorious that Bills were dropped carelessly on the table, and were never more heard of? The House was told that they were hereafter to be brought into life by the sunny suggestions of Irish Members. The Government of Ireland was a perfect anomaly. Sometimes the Lord Lieutenant controlled the Chief Secretary. Occasionally the Chief Secretary controlled the Lord Lietenant. Sometimes the Under Secretary controlled both; and there was that mysterious personage who was termed the law adviser of the Castle, who occasionally pulled the strings of the *Fantoccini* of the Castle when they were called into action. With that state of things, the House was bound to give a responsible Minister to Ireland. He had heard something about the Irish people being unanimous that this office should be retained. He would read an extract upon this subject from the *Nation* :—

> "The appeal of Dublin to the provinces in favour of Lord Lieutenancy has obtained no support except in Sligo. Kilkenny, Drogheda, and Limerick refused. In the centre of Dublin only twenty-four inhabitants of Post-office Ward attended an anti-abolition meeting. At meeting of custom-house board only twelve persons attended."

He found no other men who were in favour of this retention of the Lord Lieutenant. In fact, this question, so far from being a national question, narrowed itself to a Dublin consideration; and he would not believe that Dublin, with all the advantages of its port, its population of 280,000, with its courts of law, its charities, and boards of all sorts, he would not believe that Dublin depended for its prosperity on the Lord Lieutenant. He felt confident of this. A packet station in the west of Ireland, a dockyard at Cork, would be considered much more a national object; and Dublin would prosper herself much more by a thriving people in the provinces, than by the continuation of a mock court and a party-coloured Viceroy. Some argument had been attempted to be founded upon the Act of Union. He found there no word about the Lord Lieutenant. There was a clause there stating that the Privy Council should not be extinguished. That proved that Mr. Pitt intended to extinguish the Lord Lieutenancy. So far from relying on the Act of Union, Mr. Pitt, if he could be brought to life, would tell the House that he intended to do away with the Lord Lieutenant. In arguing for the abolition of this office, he thought, first, that the grievances of Ireland must be redressed, and its real wants relieved, before other changes would do any good. He thought in the first place that they must revise the system of poor-laws in that country if they mished to have any people in the land; and as long as they retained the Protestant Church in its present shape, they could have neither peace, prosperity, nor content in Ireland. He was happy to hear from the noble Lord at the head of the Government, in stating the purport of the Bill tonight, that it was the gracious intention of the Sovereign of these realms to visit Ireland more frequently. He hoped that would not be merely a promise in the House; he did not wish Her Majesty to reside there only for a fortnight; he wished Her to take up Her residence in Dublin every year for a certain number of months, and he should feel no objection if this Parliament held its sittings occasionally in Dublin. Hon. Gentlemen must not expect Ireland, with a population of eight millions, to be treated as a petty province; he could not connect national independence with the existence of the Castle of Dublin. Sure he was that the spirit of Irish nationality would burn with a purer flame when it ceased to light its torch by the lurid and corrupting glare of Castle influence. Sure he was that Ireland would not cease to be a kingdom, because she was no longer regulated as a colony, or governed as a dependence.

SIR L. O'BRIEN could not give his assent to the measure which the noble Lord had introduced, and thought that the loss of the Lord Lieutenant would be very injurious to Ireland. The noble Lord, however, had thought it necessary to promise them the visits of Her Majesty as some compensation for that loss; but he (Sir L. O'Brien) was afraid, that when Her Majesty found herself at the Phœnix Park, She would very soon grow tired of that residence, and remain there but a short time; and that would be but a small compensation for the loss of a permanent court. He thought the Government would be among the first to feel the inconvenience which would be occasioned by the loss of this office. The Secretary of England would be obliged to depend for information on the statements of persons who came to his office in Downing-street; whereas, under the present arrangement, every inquiry could be carried on on the spot. He was convinced they would incur a great risk by passing a measure of this kind. If, however, in the progress of the discussion on this subject, he should have reason to believe that his present impressions were erroneous, no one would be more ready to acknowledge it.

Mr. REYNOLDS trusted, as the representative of the city of Dublin, he should be excused for throwing himself on the indulgence of the House, and, above all, as so many allusions had been made to him. It was the habit of the late Mr. O'Connell, during the heyday of his political glory, in addressing his countrymen at any large public meeting, to say, "This is a great day for Ireland." The hon. Member for Montrose might on that occasion say, "This is a great night with me." Although the noble Lord at the head of the Government had introduced the Bill, yet any merits or demerits to which it was entitled, should be assigned to the hon. Member for Montrose. If it was intended to deprive the kingdom of Ireland of a resident Viceroy, it was entirely due to the exertions of his hon. Friend. He found in the annals of that House that in May, 1823, his hon. Friend brought forward a Motion for the abolition of the office of Lord Lieutenant of Ireland; but on that occasion, not receiving much support, he withdrew his Motion. In the month of May, 1830, he repeated his experiment, and divided the House; but his Motion for an address to the Crown for the removal of the Lord Lieutenant was lost, 115 voting for it, and 229 against it. On looking over the list of the minority, he was happy to find only four Irish Members voting with him; on the present occasion he found several Irish Members cheered the noble Lord. The hon. Member for the city of Cork (Mr. Fagan), pursuing the course which was followed by the Members for that place when Ireland was robbed of its domestic legislature, was one of the supporters of this measure. The hon. Member said, that if the people of Cork and Dublin were adverse to the proposition, he should doubt his own judgment, and vote with them; and added, that he was satisfied that the people of Ireland were favourable to it; he did not stop there, but boldly asserted in that House that the people of Dublin were favourable to it. He (Mr. Reynolds) thought that he was a better authority on the point than his hon. Friend, and to this assertion he would venture to give the flattest contradiction. His hon. Friend did not seem to know what passed in Dublin within the last two months. Within that period, the high sheriff of the county had called a meeting to take into consideration the proposition of the noble Lord at the head of the Government. This meeting was held with open doors in the largest room in Dublin, and was attended by the most respectable classes, and it unanimously adopted petitions to that House, as well as to Her Majesty, praying for interference to stay an act of injustice and spoliation on them. The citizens of Dublin, not satisfied with that, a fortnight afterwards called upon him (Mr. Reynolds), as Lord Mayor, to convene another meeting on the subject. He did so, and a more numerously and respectably attended meeting was never held in that city, and the petition adopted at it had been signed by upwards of 10,000 names within a very short time; the corporation of Dublin and the two boards of guardians also petitioned unanimously against this ill-advised measure. This was his answer to the calumny of his hon. Friend the Member for Cork. It was true that not many petitions had been presented on the subject, but there were good reasons for this. One was that the people of Ireland had not much confidence in that House, and they considered it would be a waste of time and paper to petition it. He was sent there to tell the truth, and he would do so at all hazards. They said it was a foregone conclusion, and however much Whigs and Tories might differ on other points, they never disagreed when the principle of centralisation was to be carried out; they had always sacrificed Ireland to it, and would do so now. In May, 1830, when the hon. Member for Montrose brought forward his Motion, the then Chancellor of the Exchequer the right hon. Member for the University of Cambridge, not only voted but spoke against the proposition. In May, 1844, the noble Lord at the head of the Government, and the right hon. Member for Tamworth, both spoke against the Motion. He wished to know where the two right hon. Gentlemen were that night. At any rate if they could not have these right hon. Gentlemen present, they could at least refer to their speeches in *Hansard* made on other occasions. In 1830, the right hon. Member for the University of Cambridge said—

> "The hon. Member for Limerick had mentioned the embarrassments which, he said, arose from the state of the government in Ireland. He did not

concur with the hon. Gentleman in his opinion; he knew, on the contrary, that his opinion was most erroneous; and that hon. Gentleman had failed to prove the existence of the evil to which he alluded, and of which he said the people of Ireland had a right to complain. For his own part, he could assert that no such evils existed; but if they did, would they be remedied by removing that authority which at present secured some control over them? But, supposing the office of Lord Lieutenant to be abolished, what was the system proposed as a substitute for it? The only one he had heard of was that of his hon. Friend behind him, to appoint a Secretary of State for Ireland, who should reside in this country. But how could such an officer living in this country attend to the affairs of Ireland? How could he obtain that information which he must possess, to discharge the functions of his office properly? He could have no means of obtaining any such information; and he put it to the House whether it were not more probable that the system which formerly prevailed in Ireland, and to the ill effects of which no one could be insensible, would revive under such a change, and would lead again to all those evils which the Legislature had ever been most anxious to check, than that the abolition of the office of Lord Lieutenant should lead to the improvement of Ireland."

Again, he observed—

> "He would not detain the House by entering more largely into the subject, which had perhaps already been sufficiently argued. He would merely say, however, that the House ought, in deference to the feelings of the people of Ireland, who were interested in retaining the administration of an officer of the Crown of such rank as the Lord Lieutenant, and of keeping amongst them gentlemen of such wealth as those who are generally appointed to fill that office, out of deference to the people of Ireland, the House ought to reject the Motion of the hon. Member for Aberdeen."

The right hon. Baronet the Member for Tamworth also stated that he thought a local Government in Ireland was essential to the well-being of that country. He had the opinion of another authority on this subject. Mr. R. Martin, the then Member for Galway, in the first debate on the question, stated that he had a large share in bringing about the Union, and at the time it was a positive understanding that the Lord Lieutenancy of Ireland should be regarded as a permanent office. But he wished to call the attention of the House to the opinion of the noble Lord at the head of the Government in 1844. In that year the noble Lord, when resisting the Motion of the hon. Member for Montrose for an address to the Crown for the abolition of the office of Lord Lieutenant, said—

> "The noble Lord had stated that such a change as the Motion of the hon. Member contemplated, would be very unsatisfactory to the people of Ireland. He (Lord J. Russell) had had occasion to consider in former years whether it were advisable to abolish the office of Lord Lieutenant, and although he thought there were reasons of great force in favour of such a step, yet he came to the conclusion that it was not expedient at that time to make such a change; and he should think that this likewise was a time in which it would not be expedient to carry that change into effect. He thought the noble Lord was justified in saying, that in the present state of the country it could not with safety be done."

That was the opinion of the First Minister of the Crown in 1844. And what had he said this night? That the Lord Lieutenant had pacified Ireland, that everything was tranquil and going on satisfactorily, and that therefore he would abolish the office. With great respect to the noble Lord, he must say that that did not appear to be a very good reason. If Ireland was now peaceful and obedient to the law—and he believed she was—and if that pleasing and satisfactory result was to be attributed to the government and exertions of the Lord Lieutenant, it would rather seem to be a good reason for continuing him in office, than a reason for abolishing his office. It was plain from the speeches of the hon. Members for Cork and Middlesex, that they had been reading the history of Ireland, in connection with the administration of the Lord Lieutenant; but he thought that the allusions they had made to Strafford, and other political delinquents who had followed him in the office, were beside the question now before the House. The hon. and gallant Member for Middlesex had this advantage—that he had graduated in the Castle of Dublin, and had passed four years of his military life in it. He was therefore an excellent authority, and he gave him credit for not having revealed any of the secrets that had come to his knowledge. But when it was proposed to remove the Lord Lieutenant from Ireland, he would ask what had already been done in the way of removal? They had removed the Board of Customs from Dublin; they had removed the Board of Excise from Dublin—in a word, all the public boards had from time to time been removed, and had been settled in this country; so, that if even a letter-carrier were to be employed in Dublin or Cork, or the remotest town in Ireland, he must receive his appointment from the General Post Office in London; or if a spirit-dealer or distiller was treated unjustly, he must memorialise the Board of Excise in London. They had, in fact, taken everything away; and now it was said to the Irish people, Why should the Lord Lieutenant be left in Dublin? Are you not an integral part of the British empire? Then they passed the free-trade measures, and by the Act of Union withdrew the nobility from Ireland, and poverty followed. What had they done next? In 1800 they found Ireland in a comparatively prosperous condition, with a national debt not amounting to 30,000,000*l.*, and in 1816 they divided their own burdens, by amalgamating the English and Irish Exchequers, and made her owe 130,000,000*l.*, charging her with the expenses of a war in which England had involved her. The present Motion was supported by one party on grounds of economy; and their Nestor would say, that the revenue from Ireland was 4,500,000*l.* per annum; that it cost 4,000,000*l.* to pay the interest of her debt, and 3,000,000*l.* for Ordnance, miscellaneous expenditure, &c., 7,000,000*l.* in all; that, therefore, Ireland cost the British nation 2,500,000*l.* per annum. Had the people of Ireland kept their Exchequer separate, and not been dragged into the ruinous expenses of the war, they would have been out of debt, and could not have been taunted with being beggars at the door of the British Parliament. The currency of the two countries had been assimilated, with a loss to Ireland of 1,000,000*l.* The protecting duties that existed between the two countries had been repealed; and the coarse linen manufacture of Ireland had vanished as well as the woollen. However their merchants might be embarrassed, it would still be said, "Are you not an integral portion of the British empire?" But, to return to the opening speech of the noble Lord in proposing this measure. The noble Lord said that it was inconsistent to have a Lord Lieutenant not having sufficient authority, whereby his action was paralysed; and the noble Lord said there was party feeling. But who had encouraged that party feeling? Both Whigs and Tories—it was to be seen in both parties in Ireland. The noble Lord said also it was desirable that whoever had the official care of that country should be here in order that there might be oral communication. But must he not have oral communication elsewhere also—in Ireland? But there was another point. Everybody knew that there were savings banks in Ireland under English management. This he knew was an unpalatable subject; but what had been done in respect to savings banks? An Act had established savings banks all over the united kingdom; but an Act so imperfect, that it released the parties who received the money from all responsibility. The English Government had insisted upon managing the local affairs of Dublin in the office of the Commissioners of the National Debt, and insisted upon having the custody of the money; and what had been the result? The sum of 64,000*l.* was owing to the unfortunate depositors in a bank, the well known St. Peter's Bank, Cuff-street, Dublin, that was insolvent in 1820 or 1821. That was the result of British management. He was told that if this office was abolished, everything would go smack smooth in London; but in his opinion it would be only transferring the sin of jobbing to that place. First, it had been said that the office was to be abolished on principles of economy; and now it was to be abolished on scientific grounds, because Mr. Stephenson the engineer had invented a tube to connect the two countries more closely together; but some fine morning the tube might break down; and God help the country which depended for prosperity and for the maintenance of her institutions upon an iron tube! The case of Scotland had been referred to. Scotland, it was said, had gone on very well without a chief governor. But the causes were very different. Scotland had made a good bargain for herself. The transaction was one of taking a poor country into partnership with a very rich country. But in the case of Ireland it was taking a rich country into partnership; a country rich in the elements of wealth and in population. But it was said, "You are an idle race in Dublin; but lose the Lord Lieutenant and you will become industrious." The noble Lord promises to leave Ireland the Privy Council and the Poor Law Commissioners. In the name of his fellow-citizens he would say, that if the office of Lord Lieutenant were abolished, he would make the Government a present of the Privy Council, and of the Poor Law Commission, which the noble Lord so kindly said he would leave behind. With respect to the Queen's visits to Ireland, he should be rejoiced to see Her Majesty in that part of the empire in every year of Her life, which he sincerely hoped would be a long and happy one. But had the noble Lord put that in the Bill? He paused for an answer. Had the noble Lord inserted such a clause in the Bill? He might be told that that would be trammelling Her Majesty's actions; but the Irish people would accept all reasonable excuses for an omission, in the hope that on her next visit Her Majesty would make a longer stay. He believed that the noble Lord intended well to Ireland; but he thought that the noble Lord had been badly advised. And let him remind the noble Lord that he was inflicting this wound upon Ireland at a period unparalleled in her history—after four years of destitution and famine—a period when she had lost half a million of her population by a forced emigration from the land of their birth, and another half million by famine, and when the soil remained uncultivated, and the population unemployed. The case of Scotland presented no analogy. Scotland had her own religion; England had forced her own religion upon Ireland. Presbyterianism was the established religion of Scotland, and he rejoiced that it was so, as an acknowledgment that the Church of the majority should be the established religion. But what had been done in Ireland? The Protestant religion had been forced down the throats of the Catholic people, the vast majority of whom were compelled to support the religion of the small Protestant minority, and yet they were told that Ireland was an integral part of the empire. Let there be nothing said of equality of rights in the two countries until the temporalities of that Church had been abolished. The noble Lord said that this was the time for the abolition of this office. That proposition he denied. He gave notice to the hon. Member for Cork, and the other Irish Members who would vote that night on conscientious motives, that if the people of Ireland had a vote on the question, they would not be with them on this occasion. He believed that if the people of Ireland were polled, 19-20ths of both sexes would be found to vote against this Bill. It was said that the *Nation* newspaper was for this Bill, and so, no doubt, would be the people of Ballingarry. If he were a republican, he also would be for the Bill, and not only that, but he would go down on his knees to say a *Pater* and *Ave* for the noble Lord for having introduced it. With regard to Ballingarry, he would tell them that they might as well call a collision between a wheelbarrow and an omnibus an earthquake, as apply the term rebellion to the proceedings that had taken place there. In conclusion, he implored of the noble Lord to withdraw the Bill, as he could assure him he would not live twelve months after it passed without regretting that he had followed the counsel of the hon. Member for Montrose on the subject.

MR. DISRAELI: Sir, the Motion before the House is for leave to bring in a Bill to provide for the abolition of the office of Lord Lieutenant of Ireland, and for the appointment of a fourth Secretary of State; and the House must, doubtlessly, be aware that, during the interesting and prolonged discussion which has taken place, no observation has been made upon the second object of the Bill. I am far from wishing to treat with disrespect its first object; and if I do not allude to it at length, it is because it has received considerable attention from hon. Gentlemen well qualified to give an opinion upon a subject naturally very interesting to them—I mean the Members connected with the sister kingdom. Generally speaking, I must say that, with reference to the office of Lord Lieutenant, I should feel disposed to defer to the feelings of Irish Members; but I am sorry to say that upon this, as upon every other occasion, it is extremely difficult to ascertain what are the feelings of the Irish Members. If I had the good fortune to be an Irish Member, I should not hesitate as to the course which I should adopt. I cannot pretend to have given very deep consideration to the question. It is true I have heard, as many hon. Gentlemen have no doubt heard, what the popular opinion is upon the subject; and I admit, no matter what might have been my opinion upon the question as a matter of sentiment, that I had a vague idea that there were important political reasons for the abolition of the office. This was my impression until I heard the address of the noble Lord the First Minister of the Crown. That impression, however, has been completely removed by his address. I listened to the speech with the utmost attention, and it appeared to me that no one ever more successfully demolished the proposition which he presented than did the noble Lord. He said there were great political reasons which influenced him. He said, "The measure which I am going to propose is a measure for the abolition, in the first place, of the Lord Lieutenancy of Ireland. Ireland is extremely tranquil—particularly well governed—and there is an individual who is Lord Lieutenant of that country, and who is the most successful governor that ever flourished, and I am going to take him away." This is the great political reason which the noble Lord gave for the course which he intended to pursue. Then, after the political reason, there was a moral reason. He said, "The expenditure of private families is more considerable than desirable. The Irish gentry are put to considerable expense in going to court in Dublin; but, to avoid this for the future, they will not have to pay their court in Dublin, but they will have to come to the Court at London." There was also a third reason, which I cannot exactly describe as a political or as a moral reason, but as rather a loyal one. The noble Lord said nothing could be more gratifying to Her Majesty than to visit Ireland, and that nothing could be more commendable than the loyalty of Her subjects in that portion of the empire. This was a communication which we did not doubt, and one, I am sure, always gratifying to the House to hear; but because nothing could be more complete than the gratification of our Sovereign, or nothing more sincere and united than the ebullition of loyalty which greeted Her, the noble Lord says he will put an end to all the circumstances and causes which bring about these results. The noble Lord was ably supported by several hon. Gentlemen who followed him in the debate. The hon. Member for Cork made a powerful address to the House. The hon. Gentleman called attention to the conduct of the Lord Deputies in the time of the Plantagenets, and framed upon it an argument on the possible conduct of Lord Lieutenants of the present day. But if the Lord Deputies of the time to which the hon. Gentleman alluded were strangers to Ireland, and had no sympathies in common with the people; it might as well be urged that the Plantagenet kings of England were strangers to the people; yet no one would pretend that the state of England was not very flourishing in those days. I protest against legislating in the present day on the abolition of the office of Lord Lieutenant of Ireland by appeals to the time of Henry II. The hon. Member for Cork, after indulging in these historical associations, proceeded to show the practical inutility of the present measure. He said, "As long as you have a Lord Lieutenant in Ireland, you will destroy the self-reliance of the people, because they are in the habit of constantly asking the Lord Lieutenant for advice on all imaginable subjects, and unless you abolish the Lord Lieutenancy you cannot develop a spirit of self-reliance in the Irish people." The hon. Gentleman then went on to say, "Give the Lord Chancellor the same functions as those now exercised by the Lord Lieutenant, and you will have a person who can communicate with those who seek his advice, and one to whom the people can write for advice by every post." I should like to know in what respect the proposition of the hon. Gentleman meets his own difficulty, because I cannot see how the self-reliance of the people is to be more developed if the Lord Chancellor is to have delegated to him all the functions which were formerly discharged by the Lord Lieutenant. The hon. and gallant Member for Middlesex, whose accurate knowledge of the condition of Ireland, I am sure, is acknowledged, though he is not an Irish Member, made an able speech, as he always does, and supported the Motion on the assumption that the government of Ireland under a Viceroy had been a government of jobbing, corruption, and misrule. But I could refer to periods in the history of this country, and make as good a case against the Parliament and the Government of this country as he has made against the Government of the Castle of Dublin. I, too, might refer to backstair influences which affected our administration and Parliament even in comparatively recent periods; but would any such reference be said fairly to apply to the present period? The institutions of a country take their character from the age in which they flourish. No doubt, the Castle of Dublin was once, like other courts, as corrupt as the country could bear. But public spirit is improved since those periods, and just as you could not have such illegitimate influences acting upon the Government in England now, so it is quite possible for you to have a Lord Lieutenant pure and just in the relations of life, and who will administer the government with justice and impartiality. I protest, therefore, at being called on to decide upon the character of an institution by reference to scenes and characters that flourished in the Castle of Dublin under circumstances quite different. But if libels published in newspapers are to be cited as evidence against the character of a court, I would remind the House that at a period comparatively recent, the person of the British Sovereign was very freely libelled, and yet that was never adduced as an argument for the abolition of the Monarchy. It is not my intention to vote against the Motion of the noble Lord—a Motion merely for leave to bring in a Bill, because that would be an act of discourtesy to a Minister of the Crown; and the noble Lord, of all persons, is not the Minister to whom I would so act; but I wish to observe, that no hon. Member has alluded to the second portion of the object of the proposed Bill. It is an important one. It may, or it may not, be necessary to abolish the office of the Lord Lieutenant. I have no doubt, however, that, before it takes place, we shall have an ample and satisfactory discussion upon that head; but I think it would be perfectly consistent to accede to the abolition of the office of Lord Lieutenant, without acceding to the proposition of appointing a fourth Secretary of State. I hope the House will consider the importance of separating these two points. It is only recently since we appointed a third Secretary of State in this country; and we should remember that Secretary of State had a province allotted to him, and an office the duties of which, in all probability, may be soon greatly diminished. I allude to the Secretary of State for the Colonies. Night after night you are telling us that the colonies must be allowed to govern themselves. If this permission be accorded them, the duties of the Colonial Office may soon be very much diminished. Well, you are now crudely and suddenly called upon to appoint a fourth Secretary of State. This is a proposition different from that involving the abolition of the Lord Lieutenancy, and also different from the proposition made some time since by the hon. Member for Montrose. Remember what Sir William Wyndham said, speaking of Secretaries of State, "These great officers never appear without an equipage of clerks." There were considerable objections raised at the time to the appointment of a third Secretary of State; and it was then urged that the appointment would not materially, or at all, add to the expenditure of the country. But what has been the result? Why, the expenditure on account of the third Secretary is 80,000*l.* per annum; and yet we are now called upon to appoint a fourth Secretary of State without any man in the Cabinet, or out of it, having any precise idea what the nature of his duties are to be, or what the expenditure is likely to be. Even the noble Lord has not told us, for he told us that there were many duties of the Secretaries of State which were not to be performed by the new Secretary. I cannot consent to the appointment of a fourth Secretary of State with his equipage of clerks, unless we have more information from the Government. I see no reason why the affairs of Ireland may not be placed under the direction of the Secretary of State for the Home Department. The affairs of Scotland and of Wales are under the Secretary of State for the Home Department; and, since there is a desire for a similarity of administration, why should not Ireland be placed with the others? It may be necessary that there should be subordinate assistance. That assistance I would give; but hesitate, I beg of you, before you sanction the appointment of a fourth Secretary of State, with all the patronage of such an office, until you have ascertained whether there will be sufficient work for the three Secretaries of State whom you have already appointed. I remember my ever to be lamented friend Lord George Bentinck—who was extremely jealous of an increase of patronage, and who thought that the Whig administration had a peculiar talent for multiplying offices—saying (and the statement was never contradicted) that the Irish famine was in one sense a godsend, for it gave the Whig Government 16,500 places. Now, Sir, we have a new proposition, upon which I will not give any very decided opinion, except that it savours somewhat of fantastical reform. No one doubts that Ireland might continue to be governed as well, and I think better, without this alteration; yet, under the shadow and colour of this alteration, you are called upon to appoint another officer of State of the highest class, and of the greatest salary, and, moreover, whose appointment must lead to an equipage whose salaries will in all probability quintuple in the first year that of their chief. If this were not a House of financial reformers, these suggestions might have some influence; but I know that in a House of financial reformers, economy is a subject which is never considered. In the good days of that great man whose words I have quoted (Sir William Wyndham), if a Minister had brought forward a Bill like this, you might have had a Place Bill brought forward, and perhaps carried; but, with an association of financial reformers, I feel we have a barrier to deal with against any proposition for reduction, which no one can surmount. In olden times we might have opposed this measure with sympathy out of doors, and perhaps success within; but in a liberal age this is impossible. And why? We have just been listening to one of the most earnest supporters they have in this House —the Lord Mayor of Dublin—who has come here in all the paraphernalia of his office—to add weight and importance to the great authority which he lends the Government. What says the right hon. Gentleman the Lord Mayor of Dublin? He says, "If I had time I would really impeach the Government. The question of the savings banks alone is one upon which they ought to be called over the coals." But if the existence of the Government was at stake, why then the right hon. Gentleman, who thinks they ought to be impeached, would at once come down and vote for them. What is the state of the country at this time? When you are telling us night after night that you cannot bear the burden of taxation, and that you only vote against Motions, the object of which is to relieve that burden, because you are afraid that the existence of the Government would be endangered, what is the real state of the country? Why, Her Majesty's Ministers themselves, who take a favourable view of the state of the country, what do they say? They say that the country is not ruined—that only the middle classes are ruined. But surely that is enough to make you pause before you accede to the appointment of one of the most expensive, and, as far as any data have been placed before us, one of the most unnecessary of offices, with an establishment of a very great and necessarily increasing amount. We on this side of the House know that, as far as our constituents are concerned, we are not justified in acceding to any proposition the object of which is to increase the public expenditure. The greatest portion of the ruinedmiddle class that we represent, really cannot view the institution of a new office of this description without considerable alarm. I know very well that Her Majesty's Ministers may tell us that practically there will not be any great increase of expenditure, because, on the one hand, they are abolishing an expensive office; and, on the other, are only applying the funds which have hitherto been appropriated to it to the payment of the expense of the new offices which were now projected. But we must not be permitted to indulge in such a dream. The noble Lord has not spoken with very considerable frankness upon the subject. One might say, indeed, that, to-night, frankness has not been the forte of the noble Lord. But he has given us a hint that increased expenditure must accrue from the new system. He has told us that there are necessarily pensions and superannuations to be given to officials who cannot be removed; and certainly I am the last person who would give a vote which would unjustly press upon individuals of that class. But, whatever may be our feelings of justice, the bill must be paid, and in providing for those individuals, who, I am informed, are no scanty class, a considerable portion of the funds which now go to the Lord Lieutenant will be required. That, however, is only a fraction of the greater expenditure which the noble Lord shadowed forth. He offers to Ireland the gracious boon of an annual visit of a beloved Sovereign, but also reminds us that there must necessarily be a vote—an annual vote—for that purpose, in addition to the civil list. [Lord J. Russell: I did not say an annual visit, nor an annual vote.] Ah! You see already the visit is not to be an annual one! But if the visits are to be occasional only, then I maintain that occasional visits are more expensive than annual ones. An annual visit, always expected, and for which all are prepared, would be much more economical than an occasional visit, often delayed, long procrastinated, and compensated for by a lavish and profuse expenditure when it arrives. Though, under all the circumstances, it may be gratifying to all of you that the visit should take place, still, in an age of economy and in a House full of financial reformers, we must take into our serious consideration the facts which influence the Government in making such a proposition. I assume that the whole expenditure of the office of Secretary of State for Ireland will be an addition to the general expenditure of the country; and I believe that the great majority of the House are also of that opinion. What I want the House to feel is, that they are called upon to-night for the first time, not merely to assent to the abolition of an office which, upon the surface of it, has a character of economy, but to embark in a course which, independent of every consideration of policy, must be a source of increased and, I believe, of lavish expenditure. Let those who represent the ruined middle class, whether they live in those towns in the north which, two or three years ago, were to rule all England—who, whether they reside in Manchester or Liverpool, or in the districts and counties which we represent —all equally agree in thinking it to be impossible for them to meet the present claims of taxation; let them well consider what the nature of the present proposition is. Are we to sanction the institution of another department of State, and that one which necessarily entails a vast expenditure? I was not before aware that our external condition was such as to justify increased expenditure. I should say, so far as I can form an opinion, that we should treasure up all the resources we have, and rather curtail our domestic expenditure and prepare for coming storms—that we should rather await the hour when increased expenditure may be necessary to maintain our national honour and the national safety. Whether I look to our position at home or our position abroad, I cannot justify to myself a vote that will greatly increase the public expenditure of the country. What will the Committee upstairs upon Public Salaries say to this Motion? Does the noble Lord mean to refer the fourth Secretary of State to the Committee upon Public Salaries? Perhaps he thinks, from experience, that it is a safe tribunal. But "the galled jade may wince." He may carry his system too far. Even the patience of a Parliamentary Committee, managed by a Minister, may be exhausted in a moment of domestic disaster and foreign peril. I know that it is almost useless and presumptuous on our part to make these observations. I know that it is impossible to induce the House, by a vote, to sanction the disapprobation which even they probably feel. We cannot endanger the existence of the present Government. That is clearly out of the question. We know it. We have numbers in this House not contemptible, and a party in the country tolerably numerous; but we have no practical men amongst us, and we feel it. Give us practical men, and we might govern the country. Give us a Chancellor of the Exchequer who would only break down four times before Easter in his budget, and we might then look to office. Give us a practical man like that, and even the defunct Tory party might once again exist. Give us a practical Secretary for the Colonies, who finds only three insurrections in Her Majesty's dominions at the same moment—with such a practical Secretary of State we could do wonders. But, above all, give us a practical man for our Secretary of State for Foreign Affairs—let him deprive our Sovereign of all Her allies—with such a practical man we even might form a Ministry.

Mr. HUME considered that the hon. Member for Buckinghamshire had not formed a correct impression of the Bill. The House ought to be jealous of any appointment of a new department; but the hon. Member forgot there was a Secretary for Ireland with a large establishment, which the Bill would materially lessen, and the only difference was, that the new Secretary would, with great propriety, have a seat in the Cabinet. If Ireland became in course of time as quiet as Scotland, her affairs might be managed by the Secretary for the Home Department. One of the main effects of this measure would be to remove those abuses which arose from governing Ireland as a colony. The Bill would create an additional Secretary of State, who might be consulted on all occasions as to the administration of Irish affairs; and that feature of the Bill induced him to believe that the measure would work well. Let any man look to the state of Ireland for the last fifty years, and he would find that a great portion of her evils were attributable to the focus of faction in Dublin Castle. He did not believe that this Bill had been introduced with the view of increasing the patronage of the Government; on the contrary, it appeared to him that it would effect a very great and a very proper reduction in the expenditure of the country. For one, he begged to tender his thanks to the noble Lord for having introduced this measure, which he considered to be one step towards the redress of those grievances of which Ireland had such just reasons to complain. He agreed that it was only one step, which should be followed quickly by many others in the same direction. He sincerely trusted that every one of those institutions of which Englishmen were proud, and to which they attributed the properity of England, would be extended to Ireland. Ireland expected such extension, and the Legislature was bound to fulfil her expectations. No Irishman in that House had regretted more deeply than himself the misgovernment of Ireland, and it had ever been his desire to remedy her grievances. He had frequently introduced practical measures to remedy the abuses by which Ireland's prosperity was prevented. As long as the domination of the Established Church was permitted to exist, Ireland need not hope to become a prosperous country. He had often stated in that House that if he had been born in Ireland he should have been a rebel; for he would never have submitted to the injustice with which that country was treated by England, at least he would have exerted himself continually in attempting to free her from foreign oppression. It was his belief that this was a most important and useful measure, and it should therefore have his warm support.

The CHANCELLOR of the EXCHEQUER would certainly not attempt to follow the hon. Member for Buckinghamshire into that field into which he had invited the House to enter, because he was desirous that the debate of the evening should have a practical conclusion, and that they would not separate before they gave the noble Lord at the head of the Government permission to introduce the Bill, so that it might at once be printed and circulated throughout Ireland, whereby the inhabitants of that country would have an opportunity of becoming acquainted with its provisions at the earliest opportunity. He rose for the purpose of correcting an impression which the speech of the hon. Gentleman opposite the Member for Buckinghamshire might convey as to the economy of the proposed measure. Now, it was not in any way whatsoever on account of economy that his noble Friend had submitted this measure to the consideration of the House; he introduced the measure believing that it would tend to the good government of Ireland. But the lively imagination of the hon. Member for Buckinghamshire, the light of which they often admired, had certainly led him into the strangest notions of economy that ever were heard of; because, if the hon. Gentleman had paid the slightest attention to the estimates which were on the table of the House, he must have seen that the result of the measure, in all probability, must be to save the country a considerable portion of the expense of a great establishment. And what was the position of the hon. Member for Buckinghamshire? Why he said, "You are going to abolish the office of Lord Lieutenant and the offices connected therewith, and for those offices you propose to substitute a Secretaryship of State, which substitution must entail a large additional expense on the country;" and the hon. Gentleman went on to say that, in his opinion, the expenses attendant on the new office would be about 100,000*l.*, instead of 20,000*l.*, the sum now paid to the Lord Lieutenant of Ireland. Now, really the hon. Gentleman's imagination had soared rather higher than usual; he had gone far beyond those bounds by which he ordinarily limited himself. But what were the facts? The new Secretaryship of State for Ireland would in every way resemble the Secretaryship of State for the Home Department. Now, the expense of the Home Secretaryship appeared by the estimates to be, in round numbers, 26,000*l.* a year. The expense of the Colonial Secretaryship, including foreign postage, which amounted to a considerable sum, was 37,000*l.* a year. Now, the expenditure of the Viceroyal establishment, including the salary to the Lord Lieutenant, 20,000*l.*; his household, 6,000*l.*; and the expense of the Irish Office, 22,500*l.*—amounted to 48,500*l.* Therefore, putting the expense of the new Secretaryship of State at the highest, namely, 37,000*l.*, there would be a saving to the country of 10,000*l.*; and, supposing it to be, as it most probably would be, more like an expense to the Home Secretaryship, instead of the Colonial Secretaryship, there would be a saving to the country of 22,000*l.* a year by the change. He of course did not mean to pledge himself that the expense would be no more than 26,000*l.* a year. As the measure had been fully and fairly discussed—as important speeches on the question had been delivered on both sides, he hoped that the House would permit his noble Friend to introduce this Bill, so that those whose interests would be more immediately affected by it might have as early an opportunity as possible of considering its details.

Mr. LAWLESS said, the question had not been fairly discussed, and he therefore proposed the adjournment of the debate; and he did so for three or four brief reasons: first, because neither the right hon. Baronet the Member for Tamworth, nor the right hon. Gentleman the Member for the University of Cambridge, had taken part in the debate, and were not then in the House; and as both of these right hon. Gentlemen had spoken on the subject on previous occasions, it was of the utmost importance to the people of Ireland that before the debate concluded they should express their opinions on this Bill. Another reason was, that the right hon. Gentleman the representative of the city of Dublin had not had a fair hearing. As he (Mr. Lawless) was anxious that the representatives of Ireland should have an opportunity of fairly meeting the question, he hoped that the House would consent to an adjournment of the debate.

Motion made, and Question put, "That this debate be now adjourned."

MR. M. J. O'CONNELL was of opinion that the majority in Ireland, both in Members and people, would be found to be decidedly in favour of the Bill. He hoped that they would not have a repetition of those vexatious divisions which had taken place on the previous night after twelve o'clock. He hoped that the opponents of the measure would see that they could not effect any real object by entering into such petty contests. He was very much surprised to hear the hon. Member for Buckinghamshire, in the small portion of his speech which he devoted to the question of the office of the Lord Lieutenant— [MR. LAWLESS: The hon. Gentleman is not speaking to the question before the House.] There could be no doubt that he was perfectly in order. The hon. Member for Buckinghamshire, in that small portion of his speech which he had devoted to the question before the House, coquetted in a strange manner with the Gentlemen on that (the Opposition) side of the House who were opposed to this abolition. He (Mr. M. J. O'Connell) held in his hand a volume of *Hansard* which reported the hon. Gentleman to have said, in his place in that House—"Thus they had in Ireland a starving population, an absentee aristocracy, an alien Church, and, in addition, the weakest Executive in the world." That was the hon. Gentleman's description of the office of Irish Viceroy in 1844. That phrase was itself a strong argument in favour of the abolition of the office of Lord Lieutenant. He believed that whatever might have been said against the abolition in 1844, when Dublin was within twenty-four hours of London, now when it was within twelve hours for travellers, and, would shortly be within five hours for the electric telegraph, it was quite absurd to say anything against it now. But his objection to this Motion was, that in the hands of the ablest man it was impossible that it should work well. In a home portion of the empire they had an institution combining part of the properties of a colonial government, and part of the qualities of a foreign ambassador. They had all the irresponsibility that belonged to a colonial governorship in addition to all the encouragements to intrigue and jobbing that were inseparable from the carrying on of a colonial governorship in connexion with the working of the present system. The Lord Lieutenant of Ireland was in the condition of an ambassador in a strange land. Diplomacy was perhaps rather a delicate subject to touch upon in the present state of affairs; but a great deal of the evil that had existed in Ireland, even under the ablest administration, appeared to him to be the result of the semi-diplomatic character of the Lord Lieutenant. His belief was that Ireland ought to be governed in the same way that Scotland was. In the speech of the hon. Member for Buckinghamshire, to which he had alluded, the hon. Gentleman expressed a hope that in future there would be a better government in Ireland; and he founded that hope on the existence of a power that had arisen in the world, but was not yet sufficiently recognised—a power that doomed a system which could not bear discussion. He (Mr. M. J. O'Connell) believed that this office could not bear discussion, and that therefore its existence was doomed.

COLONEL SIBTHORP said, this was nothing more nor less than a job. Believing, as he did, that instead of lessening the expense, notwithstanding what the Chancellor of the Exchequer had said, it was only another measure of dangerous reform—where it would end God only knew—he should support the Motion of the hon. and learned Member for Meath. He did not think the measure had been sufficiently discussed. Though he was sure everybody would be gratified if Her Gracious Majesty should visit that country, he was convinced that the present system was more likely to benefit Ireland.

COLONEL DUNNE said, in the last fifty years there had been no measure introduced into that House which would have such an effect on the destinies of Ireland as this measure would; and he thought it was but reasonable that every Irish Member should have an opportunity of expressing his sentiments upon it. Therefore, he should support the Motion for an adjournment. Almost all previous organic changes in the country had been ushered in by a notification in the Speech of Her Majesty at the beginning of the Session; but no such notification was given in this instance. It was true that reports were spread that it was the intention to abolish the office; but seeing that no Bill was introduced in an earlier period of the Session, people began to think it would not be introduced; and it was owing to that, he believed, that there was so much apathy on the subject in Ireland.

The House divided:—Ayes 19; Noes 213: Majority 194.

Mr. M. J. O'CONNELL thereupon moved that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

The O'GORMAN MAHON, although he was prepared to vote against the Bill, yet could not support the present Motion. He trusted his hon. Friend would withdraw it, or else he would place him and several of his hon. Friends under the necessity of retiring from the House without voting, for he would not be a party to a factious opposition to the introduction of this Bill.

Mr. M. J. O'CONNELL begged to remind the House that there were several Gentlemen whose opinions were valued in Ireland who had not yet had an opportunity of delivering them.

Lord J. RUSSELL said, that the opinion of the House had been very clearly expressed against the adjournment. His object in proposing that the Bill should be brought in before the Whitsuntide holydays, was that the Bill might go to Ireland in a printed shape, that time might be had for its consideration, and then that the House should come to the discussion of the Bill on the second reading, after opportunity had been given to the constituents of hon. Members to express their opinions upon it. But if hon. Gentlemen persisted in their Motions for adjournment, he (Lord J. Russell) should not lose the opportunity which those hon. Gentlemen, he thought, gave him of showing the nature of the opposition which was offered to the introduction of the Bill. The people of Ireland would see that if a very considerable time were not given them before the second reading was moved for considering the details of the Bill, it was not the fault of the Government, but of those hon. Members. With this declaration he would not object to the adjournment of the House; but if hon. Gentlemen moved the adjournment, he (Lord J. Russell) would close with that Motion, and would accept it.

Colonel DUNNE denied that the noble Lord had any right to charge the Irish Members with offering a factious opposition to the Bill. He had not given them time to consider the measure, and express their sentiments upon it. The custom was, when organic changes were to be proposed, to give notice of them in the Queen's Speech. The details of the Bill were wholly indifferent to the Irish people. The question with them was not whether a fourth Secretary of State or any other officer was to be appointed, but whether the Lord Lieutenancy was to be taken away from them. The Bill had been brought in by surprise; and the mode in which the noble Lord now proceeded, had more the appearance of an order or mandate from a despot than anything else.

Lord NAAS put it to hon. Members opposite whether the course they were pursuing was either creditable to themselves, or likely to be beneficial to the public. He had intended to express his opinions to-night; but, being anxious that the Bill should go to Ireland and be discussed during the Whitsuntide holydays, he should reserve what he had to say respecting the Bill until the second reading. The Motion for leave to bring in a Bill was never refused, except under very extraordinary circumstances. It had been said that this Bill had been brought in by surprise; but the House would remember that almost before Easter— [An Hon. Member: Before Easter?] Yes, before Easter, the noble Lord at the head of the Government gave notice of his intention to bring in a Bill providing not only for the abolition of the Lord Lieutenancy of Ireland, but also for the appointment of a fourth Secretary of State. He had heard that proposal very much discussed in Ireland during the Easter recess, and it was therefore hardly fair to say that sufficient notice had not been given of the intention of the Government to propose this measure.

Mr. TAYLOR was also anxious to address the House on the introduction of this Bill, and he should vote against the introduction of the measure. But he could not support the Motion for adjournment.

Mr. M. O'CONNELL consented to withdraw his Motion.

Motion, by leave, withdrawn.

Original Question put.

The House divided:—Ayes 170; Noes 17: Majority 153.

List of the Ayes.

Abdy, Sir T. D.
Acland, Sir T. D.
Adair, R. A. S.
Anson, hon. Col.
Archdall, Capt. M.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baldwin, C. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bennet, P.
Berkeley, Adm.
Bernal, R.
Best, J.
Birch, Sir T. B.
Blackstone, W. S.
Boyd, J.
Boyle, hon. Col.
Brand, T.
Bright, J.
Browne, R. D.
Carew, W. H. P.
Carter, J. B.
Caulfeild, J. M.

Cavendish, W. G.
Childers, J. W.
Clive, H. B.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colvile, C. R.
Conolly, T.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Davies, D. A. S.
Dawson, hon. T. V.
Dodd, G.
Duncan, G.
Duncombe, hon. O.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Fagan, W.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Freestun, Col.
Glyn, G. C.
Gore, W. R. O.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J.F.
Hardcastle, J. A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heneage, E.
Herbert, H. A.
Heywood, J.
Hobhouse, rt.hon. Sir J.
Hobhouse, T. B.
Hope, H. T.
Horsman, E.
Howard, hon. C. W. G.
Howard, P. H.
Hughes, W. B.
Hume, J.
Jervis, Sir J.
Keating, R.
Keogh, W.
Kildare, Marq. of
King, hon. P. J. L.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lowther, hon. Col.
Macnaghten, Sir E.
Meagher, T.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Mitchell, T. A.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Naas, Lord
Newport, Visct.
Norreys, Sir D. J.
O'Connell, M. J.
O'Flaherty, A.
Ogle, S. C. H.
Osborne, R.
Packe, C. W.
Paget, Lord A.
Paget, Lord C.
Parker, J.
Pilkington, J.
Plowden, W. H. C.
Power, Dr.
Powlett, Lord W.
Price, Sir R.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sadleir, J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, J. B.
Smollett, A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stafford, A.
Stanford, J. F.
Stuart, H.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Trollope, Sir J.
Turner, G. J.
Vesey, hon. T.
Villiers, hon. C.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the Noes.

Butler, P. S.
Dickson, S.
Dunne, Col.
Fagan, J.
French, F.
Frewen, C. H.
Grace, O. D. J.
Hamilton, J. H.
Lawless, hon. C.
Mahon, The O'Gorman
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, M.
Reynolds, J.
Scully, F.
Sibthorp, Col.
Taylor, T. E.

TELLERS.

Grogan, E.
Grattan, H.

Bill ordered to be brought in by Lord John Russell and Sir George Grey.

SUPPLY—CIVIL SERVICES.

On the Motion that the House go into Committee of Supply,

Mr. HUME objected to their doing so at that hour (One o'clock).

Lord J. RUSSELL hoped the House would not object to going into Committee merely for the purpose of taking such votes as the exigencies of public business required.

Sir L. O'BRIEN hoped the noble Lord would persevere in going on with the public business, were it only out of consideration for those Gentlemen who came from a great distance, and who otherwise would be detained in town in consequence of the Session being protracted until the summer was nearly over.

Mr. HUME would always object to voting money after Twelve o'clock.

The CHANCELLOR of the EXCHEQUER said, it was very desirable that a few votes should be taken that night, to enable them to carry on the public service.

Colonel SIBTHORP would support the hon. Member for Montrose, for he had nothing to do with courtesy, and was adverse to going into Committee of Supply at that hour of the night. Many things in the estimates required to be strictly looked after, and, among others, he wished for some information about the sum expended on royal palaces. He read in the *Times*—a paper which he much respected, though differing from it in many matters—that they should be satisfied with the statement given in a return, that no more than 22,000*l.* had been expended last year on the palaces. Was that, however, a true return? He believed it was not. It was, no doubt, the sum expended in virtue of the votes of that House: but there had been a large sum expended besides—

namely, the amount supplied by the Woods and Forests. This was not included; and therefore he denounced it as an underhand proceeding.

The House then went into Committee, and the following votes were agreed to:—

(1.) 50,000*l.*, Civil Contingencies, on account.

(2.) 50,000*l.*, Stationery, Printing, &c., on account.

(3.) 50,000*l.*, New Houses of Parliament, on account.

MR. B. OSBORNE asked in what manner the latter sum was to be applied?

The CHANCELLOR OF THE EXCHEQUER said, that certain charges were outstanding which it was desirable should be paid forthwith. He had not the slightest wish to avoid a discussion on the subject; but he hoped the hon. Gentleman would put off the Motion of which he had given notice relating to it till Friday next, when he (the Chancellor of the Exchequer) should be glad that the discussion should take place, as much misapprehension at present prevailed respecting this matter.

The House resumed.

Resolutions to be reported on Thursday next.

GREECE—BAY OF SALAMIS.

MR. COBDEN moved for a return of the British naval force in the Bay of Salamis and the other waters of Greece for the last three months. He said that his object in moving for this return was, that the House might be aware what force had been employed in collecting a debt of eight or nine thousand pounds; and as the Secretary of State for Foreign Affairs had informed them that the affair was finished, and as the fleet had, therefore, he presumed, been dispersed, he did not see how the right hon. Gentleman at the head of the Admiralty could offer any opposition to the Motion. The return would, perhaps, assist in the devising of some better mode of settling such trifling and trumpery disputes in future.

Motion made, and Question put—

> "That there be laid before this House, a Return of the British Naval Force in the Bay of Salamis, and the other waters of Greece, on the 1st day of March, 1st day of April, and 1st day of May, giving the names of the vessels, with the numbers of their crews, and their complement of guns."

SIR F. T. BARING said, he had already stated to the hon. Gentleman privately what he must state to the House if the hon. Gentleman persisted in his Motion—that, consistently with his duty to the public service, he could not give the information which the hon. Gentleman required. It was one of the questions hardly agreeable to discuss in that House; and he must take upon himself the responsibility he had never yet heard refused to a public servant, to state that he did not think it consistent with the public service, and for other grave reasons, to give the information of the amount of force on a particular station at so late a period as was now moved for.

MR. BRIGHT said, that similar returns to that moved for had been acceded to with regard to the stations at Malta and the Tagus; and as it could not be supposed that other Powers were not acquainted with the amount of force employed, it was absolutely puerile to make the public service the pretence for refusal. The House had a right to know on all occasions where our ships were, what were their number, and what they were doing; and it was simply because matters connected with foreign policy were all managed by some hocus pocus at the Foreign Office that this country often found itself in quarrels, from which it had great difficulty in extricating itself.

MR. HUME was afraid that the refusal to accede to the Motion would create mystery where there ought to be none. The right hon. Gentleman said he would take upon himself the responsibility. What responsibility? The ships were gone.

MR. COBDEN said, that he wanted the return simply as a record, and his Motion had no reference whatever to our present relations with France. He thought good might come out of the fact that the fleet had been employed in collecting a debt of about 8,000*l.* Would the right hon. Gentleman consent to the Motion if it were limited to the 1st of April or the 1st of March?

SIR F. T. BARING said, he must object to the whole return.

MR. COBDEN said, that as there was, he believed, a majority on the Treasury bench, it would be useless for him to divide.

Motion negatived.

The House adjourned at Two o'clock till Thursday next.

HOUSE OF COMMONS,

Thursday, May 23, 1850.

MINUTES.] PUBLIC BILLS. — 2° Stamp Duties (No. 2); Exchequer Bills (8,558,700); Municipal Corporations (Ireland).

Reported.—West India Appeals; Alterations in Pleadings.

AFFAIRS OF GREECE—RECALL OF THE FRENCH AMBASSADOR.

SIR **JOHN WALSH** said: Seeing the noble Lord at the head of the Government in his place, I rise to put a question to him as to the course of business this evening. I thought I understood him on Friday, though I am not always quite happy in catching his intentions or meaning; but I thought he intimated that he proposed to fix the Committee on Supply for this evening instead of a later day, in order to afford an opportunity for explanation or discussion with respect to the state of our foreign relations. I wish now to know, did that arrangement refer to an explanation to be furnished by the Government, or was it with a view to giving hon. Gentlemen at this side of the House an opportunity of raising a discussion, if they should think proper—was it for the latter purpose, or with a view to a voluntary statement from the noble Lord the Secretary of State for Foreign Affairs, as to the extraordinary complications in which our foreign relations are placed?

VISCOUNT **PALMERSTON**: It is my intention to make a statement this evening upon the subject to which the hon. Baronet has adverted, especially in reference to what passed upon a former occasion.

On the Question that the House do then resolve itself into a Committee of Supply,

VISCOUNT **PALMERSTON** said: Sir, I feel from what passed on a former occasion in this House, more especially with reference to the answer which I then felt it my duty to give to my right hon. Friend the Member for Manchester, that it is due both to myself and to the House that some further explanation should be given. My right hon. Friend on Thursday last asked me, if I remember rightly, amongst others, one question, whether there existed a perfectly good understanding between the Government of France and the Government of England in regard to the affairs of Greece? I stated, as far as I remember, that the French Ambassador had left London the day before; that he had been charged by Her Majesty's Government with explanations to be given to the Government of France; that one of the objects of his return was to give explanations himself; and I stated also that I hoped nothing would arise out of those matters to disturb the friendly relations subsisting between this country and France. Now, Sir, about that time there was read in the French Assembly the letter of General Lahitte, recalling—no, that is not the word to use, because it admits of a double meaning, but ordering back the French Ambassador—requiring him to return to France. It was thought by many persons in this House and elsewhere, that there was an inconsistency on my part in the answer which I gave in this House with respect to the transaction itself—that I endeavoured to suppress something which I ought to have stated. What passed with regard to that circumstance is this—questions had arisen, and differences of opinion had occurred, between the Government of France and the Government of England in the course of the few days preceding, in consequence of the manner in which the affair had terminated between England and Greece at Athens. When first M. Drouyn de Lhuys communicated with me, I had not received the despatches from Athens. On Monday morning the French Ambassador came to me for the purpose of entering upon a discussion of those transactions. I told him that I was obliged to go down to a Committee of this House to which I had been summoned for the purpose of giving evidence, and I begged him to return to me the following morning. On Tuesday morning he came, when I went with him at great length into the despatches I had received from Athens, which I read to him; and I also read to him the reports made by Mr. Wyse of what passed in Greece, doing my best to explain to him, according to our view of the matter, how the course adopted was one which ought not to give, justly, any ground of offence to the Government of France. Our conversation was long; the French Ambassador left me at rather a late hour, saying that he should return the next day to continue the conversation. He came the next day (Wednesday) at 12 o'clock, and I forget whether it was at the outset, or in the course of that conversation, which also lasted to a late hour, as hon. Gentlemen will see by a reference to the account of it given by M. Drouyn de Lhuys, that he read to me the letter of General de Lahitte. Of course, I could not concur with the opinions expressed in that letter as to the grounds upon which the French Ambassador was ordered to return to Paris. When I spoke to M. Drouyn de Lhuys on the subject, he said, "I must go back. To-morrow the papers will be presented to the Assembly; to-morrow possibly questions will be put on the subject; to-morrow there may be a discussion. It is my duty to be at Paris before the Chamber meets, in order to afford to my Government any explanations they may wish to have from me." I said that I certainly concurred in the propriety of the course he meant to pursue, and that I would not press him to remain; but I begged M. Drouyn de Lhuys to communicate to his Government, early the next morning, the substance of the explanations I had given him. I furnished him, also, with copies of some of Mr. Wyse's despatches, having marked, especially, those passages to which I wished the attention of the French Government to be called, and to which I had drawn his attention, and I begged him not only to give his Government such explanations as, in the capacity of their representative, he might think fit to give; but that he would also lay before them the detailed explanations I had had the honour of giving him. Well, Sir, thus stood matters on the Thursday when I was questioned in this House. Now I must say, in the first place, that it could not in the ordinary course of things be expected by me that the letter of General Lahitte would have been read to the French Assembly, even before the Assembly was in possession of the documents connected with the transactions to which that letter related. It certainly never entered into my mind that such a course of proceeding would in any case be adopted. But I was also justified in thinking that the explanations with which I had furnished M. Drouyn de Lhuys were of a nature calculated, if not to remove entirely the dissatisfaction the French Government felt, and in the spirit of which that letter was written, at all events greatly to modify that feeling, and to lead to further explanations. Now, entertaining that opinion, and believing it possible that at the very moment when I was giving my answer, the French Minister might have been assigning to the Assembly, as a reason for the return of M. Drouyn de Lhuys, simply that which was one object of his early return, namely, the giving of explanations, and the communication of those explanations to the Legislative Assembly, I would ask any man in this House who values the good understanding between this country and France, who has any just appreciation of the interests of this country, and of the duty of a Minister, whether I should not have been guilty of the greatest indiscretion, of the most mischievous act—I will say of a culpable proceeding—if I had proclaimed that feeling on the part of the French Government which had been expressed in their letter, but which, for all I knew, might at that moment have ceased to exist? Supposing the French Minister had given, as a reason for the return of M. Drouyn de Lhuys, the simple ground of explanations, what mischief should I not have done if I had proclaimed the other ground, and thus nailed and fastened the French Government to a dissatisfaction which might at that moment have been removed? I am confident that I need no further justification for the course I then pursued. It was indicative of an earnest desire to soften, if possible, anything like angry feeling on the part of the French Government. The letter of General Lahitte, however, requires that I should make some observations, because that letter charges Her Majesty's Government, and me especially as the organ of that Government in these transactions, with having broken faith—I may say—with the Government of France, inasmuch as it asserts that, contrary to engagements, the negotiation of Baron Gros was put an end to by an act of Mr. Wyse, and that it was by such determination that the coercive measures were renewed; and it asserts, moreover, that the negotiation was put an end to by Mr. Wyse on a point upon which he ought to have referred for further instructions to the British Government. It is my opinion that the papers which are already in the hands, I believe, of many Members—for I did my best to have them delivered this morning—will show that the functions of Baron Gros were not suspended by any act of Mr. Wyse, but by the act of Baron Gros himself; that Mr. Wyse, so far from wishing Baron Gros' negotiation to be suspended, expressed a strong desire that it should be continued; and that Mr. Wyse did not admit the validity of the grounds upon which Baron Gros thought himself by his instructions compelled to suspend his functions. I think those papers will show that even after Baron Gros had communicated to Mr. Wyse that his mission was terminated, or his functions for the moment suspended, Mr. Wyse, so far from taking advantage of the earliest opportunity of having recourse to coercive measures, made, through Baron Gros, a communication to the Government at Athens which, if it had been accepted, would have satisfied those claims which Baron Gros did not in principle dispute, and would have left untouched, and subject to further discussion, the particular points upon which a difference of opinion had arisen. Baron Gros' request to Mr. Wyse was, " Refer to your Government for instructions as to the point of difference which has arisen between us, and in the meanwhile continue *in statu quo;*" that was to say, " Retain in your possession the vessels you have already detained, but abstain from seizing any more." After Mr. Wyse had received the communication from Baron Gros, intimating that his functions were suspended until further orders from France, which could not be received for an interval of at least three weeks, Mr. Wyse said—

> " If the Greek Government will send the sums which I think are just amounts of compensation to the persons for whom particular fixed sums have been required, and for the losses of Mr. Finlay, and of Mr. Pacifico, so far as his furniture and household goods are concerned; if the Greek Government will send 180,000 drachmas, accompanied by a letter stating that amount to be in full satisfaction of all claims mentioned in my note of January 17, except the claims of Mr. Pacifico for losses resulting from the destruction of his documents, I will"—

Do what ?—continue the *statu quo ?*—no, but " I will immediately release all the Greek merchantmen now under detention, and by that means set the commerce of Greece entirely free." No doubt that would have been a very advantageous arrangement for the Greek Government, providing it was prepared to do that which from the commencement we had required—to admit the principle of our demands. But that arrangement, be it remembered, would have left for future discussion the terms of the letter of apology for the insult offered to the British Navy in the case of the boat of the *Fantome;* it would have left for future discussion the arrangements connected with the claims of Mr. Pacifico for the destruction of his Portuguese documents. Baron Gros replied—

> " I have notified to the Greek Government that I am no longer in official communication with them, and therefore I cannot make this proposal officially."

But he intimated that unofficially it should be made. This was on the 24th, and Baron Gros informed Mr. Wyse, by a private letter, that he thought the next day, the 25th, by five o'clock in the afternoon, Mr. Wyse would receive the letter and the money from the Greek Government. Mr. Wyse suspended any resumption of coercive measures till after the time thus mentioned by Baron Gros as that at which he would probably receive a communication from the Greek Government; and it was not until after five o'clock on the evening of the 25th—the communication of Baron Gros that he had suspended his functions being dated the 23rd—that, not receiving the anticipated communication, Mr. Wyse made the announcement that on the next morning coercive measures would be resumed. I think, then, we are justified in saying that it was not Mr. Wyse who put an end to Baron Gros' negotiation, and that it was not Mr. Wyse who determined that coercive measures should be resumed; but that Mr. Wyse, whether rightly or wrongly, but rightly, as I think, considered that Baron Gros had officially withdrawn himself from the negotiation, and that consequently the case had arisen in which coercive measures were necessarily and at once to be resumed. I think the French Government are entirely mistaken in supposing that there was, on the part of Mr. Wyse, any departure—at all events in intention—I do not think, in fact, from the clear understanding which had existed, I am bound to say, from the commencement, that it was to rest with Baron Gros, and not with Mr. Wyse, to determine when Baron Gros should cease to exercise his functions. Then the question arises, whether, giving Mr. Wyse full credit for being right in his opinion—and I think the papers will show he was so—that Baron Gros had himself withdrawn from the negotiation, the point upon which they differed was one on which it was incumbent upon Mr. Wyse to refer for further instructions to his Government, and, pending the receipt of those instructions, to maintain the *status quo*—the detention of the vessels which were already in our possession, without making any further seizures. It was understood, from the very beginning of the negotiations, that though we accepted the good offices of France, we accepted them for the purpose and in the hope of obtaining, by her friendly intervention, that satisfaction which we had begun to endeavour to obtain by the employment of our naval force; and we distinctly announced that we could not abandon any of our demands. That there was no misunderstanding on that subject, is plain from the despatches of M. Drouyn de Lhuys which have been published, I suppose, from authentic copies about to be presented to the French Assembly, in which he clearly lays down what in his understanding was the limit of the functions of Baron Gros. The functions of the French negotiations were not to interfere with the principle of the demands of this Government, or the sums which we had fixed in particular cases as the specific satisfaction to be obtained; but they were to be confined to a discussion as to the amount of those sums which were not fixed in our demands—the amount to be paid to Mr. Finlay for the land which had been taken from him, and the amount which might be due to Mr. Pacifico for the losses he had sustained by the sacking of his house, in furniture, goods, money, and other property. The principle of our demands was contained in the six articles we communicated to the French Government. We required an apology for the outrage committed upon some of the crew of the *Fantome;* compensation for the Ionians who had been tortured in one case, and ill-treated in another; compensation to the Ionians who had been plundered in the custom-house at Salcina; compensation to be settled for Mr. Finlay's land; compensation to be settled for Mr. Pacifico's losses at Athens; and compensation to be ascertained for any loss he might have sustained by the destruction of documents. On the 16th of February M. Drouyn de Lhuys wrote to say—

"As to the questions that are to be examined in these conferences, they shall be those which shall not implicate in principle the denial of the English claims."

On the 22nd of February, again, he says, "As to the second point," upon which he had been ordered to interrogate me, "that Minister"—myself—

"Told me, as I have had the honour of informing you, that the mediation will comprise the questions which do not implicate in principle the negation of the demands of the Cabinet of London. Thus it is laid down in principle that an indemnity is due to Mr. Finlay and Mr. Pacifico. It remains to settle what shall be the amount of that indemnity."

There are other extracts I might read to the same effect. On the 22nd of March, M. Drouyn de Lhuys wrote—

"The following is an answer to these two questions:—Mr. Wyse is authorised at present to accept of an arrangement based on the following conditions:—1. Payment in cash of the indemnities claimed by the maltreated English and Ionian subjects; of the value of the land taken from Mr. Finlay, according to the estimate set upon it with the consent of M. Gros; and the damages demanded for the personal bad treatment to which Mr. Pacifico was subjected, as well as for the pillage of his house, with the exception of his Portuguese claims, which remain to be examined."

Showing that it was distinctly understood that this portion of Mr. Pacifico's claims was entirely separate from the other.

"2. The transmission of a letter to Mr. Wyse, expressing regret for the arrest of an officer of the *Fantome.* 3. A promise to make a loyal inquiry on the subject of the Portuguese documents which Mr. Pacifico alleges to have been carried away from him. This is the only arrangement which Mr. Wyse can find (can be instructed to find) satisfactory, and accept."

A misunderstanding, it seems, existed at Athens on this subject; and on the 8th of April M. Drouyn de Lhuys wrote to General Lahitte—

"According to a letter from Mr. Green (the Consul at Athens) dated March 19, it would appear that M. Gros, on the faith of his correspondence from Paris, is persuaded that in case he himself should declare that his good offices have failed, and that he expects no result from their continuance, Admiral Parker would not have recourse to coercive measures without new orders from his Government. That is completely erroneous, and it is of great importance to rectify, in that respect, the opinion of our negotiator. In such hypothesis the coercive measures would resume their course *ipso facto,* as I have had the honour of informing you on the 23rd of February and 20th of March. If any difference of opinion should arise between M. Gros and Mr. Wyse on the question of knowing if the compromise which the negotiator proposes, relative to the only points which he will have to examine, is or is not acceptable, it is only then that Mr. Wyse and Admiral Parker will have to refer the subject to their Government."

The question then is, what was the point upon which—a difference having arisen between Baron Gros and Mr. Wyse—Baron Gros requested Mr. Wyse to refer for instructions to his Government; and on Mr. Wyse stating that he did not think himself bound or at liberty to do so, Baron Gros said, "I withdraw from the negotiation." Was it a point the negotiator was to determine or not? I think I have shown by the extracts from these despatches, that it was clearly understood between us that the only points which that negotiator would have to examine were with reference to the amounts to be given to Mr. Finlay and Mr. Pacifico as compensation for their losses. Now, it would seem from the papers upon the table that the negotiation broke off, not upon these points, but upon the question whether the Greek Government was or was not to make an engagement, that it would not only examine the question as to the losses of Mr. Pacifico by the destruction of his Portuguese documents, but would engage to pay to him the amount of any loss he might be proved to have sustained by the destruction of those documents. Baron Gros had agreed, on the 16th, to such an engagement, and had also agreed that a sum to the amount of 150,000 drachmas should be deposited as a pledge for the fulfilment of the engagement; and the only difference between Baron Gros and Mr. Wyse upon that arrangement was, that Baron Gros proposed that the deposit should be held conjointly by Greece and by England; while Mr. Wyse, for reasons which he explains, contended that the security should be deposited either in the Bank of England, or, if Baron Gros preferred it, in the Bank of France. Baron Gros, in the course of the discussion, said he would take that question into further consideration; but after Mr. Wyse had reason to think that Baron Gros had consented to submit to the Greek Government an arrangement containing those stipulations, Baron Gros, for reasons which he was fully entitled to express, altered his opinion, retracted his proposal, and said he was satisfied Mr. Pacifico's claims upon that head were not deserving of any serious consideration, and that all he would agree to would be that the English and Greek Governments should enter into an investigation, and apply to Portugal to ascertain whether Mr. Pacifico had any claim on this account. Mr. Wyse could not agree to a proposal which involved the negation of one of the principles of our demands. He could not do so according to his original instructions; still less could he do it in the face of instructions which I sent him on the 25th of March, entering somewhat into detail as to the particular question of Mr. Pacifico's claims, and which will be found in the printed papers. Mr. Wyse naturally said there was nothing to refer—that he could not refer for further instructions on a point which had been settled by the basis on which the good offices of France had been accepted, and also by instructions he had recently received, which he showed to Baron Gros. Mr. Wyse read those instructions to M. Gros, and he said, "I will read them again if you think fit; if there is anything you think doubtful I will explain it; but these are my instructions, and upon them I am bound to act." M. Gros, however, thought otherwise. Whether he was acting under the erroneous impression alluded to in the despatch of M. Drouyn de Lhuys to General Lahitte, I cannot say; but Baron Gros and Mr. Wyse differed in opinion, and upon that point mainly the negotiation broke off. There was another demand made by Mr. Wyse upon his own responsibility, and not arising from his instructions, which, for the reasons stated by him, Her Majesty's Government think he was right in urging. Baron Gros originally proposed that the Greek ships should be restored with their cargoes in the very same condition, or as nearly so as possible, as when they were captured. Mr. Wyse, as a counter-proposal, inserted a condition that the Greek Government should be answerable for all the damages arising from the coercive measures. Objections were made to that, and Baron Gros having withdrawn his proposal, Mr. Wyse also withdrew his. But Mr. Wyse having learned that the Greek Government was collecting statements of losses, with a view, as was reported to him, of bringing forward at some future time those claims as a set-off against the claim of this country upon Greece for the amount which has been paid for interest and sinking fund upon the guaranteed loan, he thought it right to shut out any such demand, by an engagement not imposing upon the Greek Government any pecuniary liability, but simply debarring them from putting forward themselves, or supporting on the part of others, any claim of that character; and I must say that, considering the importance of establishing a good understanding with Greece, I think it was quite right to insist upon that clause, to prevent that which would have given occasion, naturally, to a recurrence of unfriendly relations with Greece. Her Majesty's Government would not—no British Government would — have admitted the claim; but the claim might have been pressed in a manner to disturb friendly relations with that country. But the main point upon which Baron Gros insisted, and upon which Mr. Wyse felt himself bound to resist, was whether the Greek Government should be liable to pay whatever might appear upon investigation to be due to Mr. Pacifico for the loss sustained by the destruction of the Portuguese documents. We made no claim of the particular amount; we did not pretend to say it would be 1*l.*, or 10*l.*, or 100*l.*; but, be it ever so small or ever so great, we thought that upon principle it was a claim the Greek Government were justly liable to make good, and that was one of the principles of our original demand, from which we never contemplated the possibility of our receding. Well, then, I say I think General Lahitte was under a very erroneous impression when he asserted in that letter that the negotiations were broken off by the act of Mr. Wyse terminating the mission of Baron Gros, and broken off upon a point on which Mr. Wyse ought to have referred to his Government. I need not, I am sure, say that this circumstance, that any discussion—any difference of opinion of this kind, has arisen between the Government of France and the Government of England, must be a source of the most painful regret to Her Majesty's Government. I hope I have said nothing—I am sure it was not my intention to say anything, which could tend either to increase the misunderstanding, or to propose the slightest obstacle to its removal. I am not without hopes that upon a question of this sort, where clearly there could have been no intention on the part of the British Government in the slightest degree to offer an affront, or to be wanting in respect to the Government of a friendly Power—I cannot divest myself of the hope that the discussion going on between the two Governments may end in a manner that will be satisfactory and honourable to both. Sorry I am sure I should be, if anything I should say should throw any difficulty in the way of such an adjustment; and I should hope, if these things are made the subject of debate in this House before it is known how the discussion may terminate, that no hon. Member, whatever his opinions may be, would express them in a manner calculated to have a prejudicial effect upon the discussion. It is the anxious desire of Her Majesty's Government to cultivate the most friendly relations with France. It is immaterial to us who are the men of whom the Government of France is composed; we have no business to inquire into that, or to meddle with it; they are the Government that is, and it is with the Government that is that we are in communication and negotiation. And, as I have said, I cannot but believe that, whatever the opinion of the Government of France may be as to the matter at issue, at least they will do us the justice to think that, whatever ground of complaint they may fancy themselves to have, they have no ground of complaint against us for any want of good intentions towards them, or any deficiency in that friendly feeling which it would be the duty of Her Majesty's Government, or of any Government that may succeed it, to entertain towards the Government and nation of France.

Sir JOHN WALSH: Sir, as it was in consequence of a question which I addressed to the noble Lord opposite that some doubts were raised, I believe, respecting the tenor of the reply of the noble Lord the Secretary for Foreign Affairs to the question of the right hon. Gentleman the Member for Manchester, perhaps I may be allowed shortly to advert to the explanation the noble Lord has now given. I would premise that no one has a greater sense of the value of relations of amity between France and this country than I have, and that, therefore, no one can be more ready to make full and ample allowance for the motives to which the noble Lord has adverted—for his desire to put away anything that might have a tendency to disturb those friendly relations, and to leave it perfectly open to the French Government to adopt language on the other side of the water which may be most favourable to the maintenance of those relations. At the same time, giving full weight to these considerations, I may be permitted to observe, that it does appear to me, upon the facts the noble Lord has stated, that he strained very much the statement that he made upon that occasion. The noble Lord, in making that reply to the right hon. Member for Manchester, that he trusted nothing would occur to disturb the friendly relations between this country and France, was at that moment in possession of the despatch of General Lahitte to M. Drouyn de Lhuys; and that despatch, I think it is important for us to recollect, was communicated to the noble Lord, not, indeed, in writing—a copy of it was not given to him—but, if I am not mistaken, was communicated to the noble Lord formally and officially, as a direct communication from the French Government. It was not communicated to him privately and confidentially, in the course of conversation, among a variety of other matter, merely as intimating the opinion of M. Drouyn de Lhuys, and his wish to apprise the noble Lord of the feeling existing in Paris on the course the noble Lord had pursued. It was an official communication from the head of the French Government. It does appear to me that it was scarcely acting with ingenuousness towards the House for the noble Lord, in the face of that communication, to declare so broadly that he trusted there was nothing to disturb the friendly relations between the two countries. [Lord PALMERSTON: I did not say so; I said, "That I trusted nothing would arise out of the circumstances to disturb the friendly relations between the two countries."] It is not my intention to analyse the noble Lord's statement, able as everything must be which proceeds from him. It must be obvious that, as we have had no time at present to peruse the bulky volume just placed in our hands, it would be impossible, on the spur of the moment, to deal with a subject in which it is necessary to collate dates and compare details and statements one with another, when two or three negotiations have been going on simultaneously at Athens, and in London or Paris. I conceive that the great question between the noble Lord and the French Government with respect to the rupture of this negotiation is, whether Baron Gros was in such a situation that the negotiation actually and entirely terminated, or whether that case only had arisen in which a reference to London and to Paris was contemplated. It appears to me clear, from what we have already seen in the public papers, the translations from papers presented to the French Chamber, and which I suppose we may assume to be authentic, that Baron Gros himself did not consider the negotiation entirely terminated, but that the case had arisen in which it was desirable that a reference should be had to the Government at home; and it is unfortunate, that on the spot Baron Gros himself, the negotiator engaged with this difficult and delicate task, does not concur in the view taken by Her Majesty's Government here, or by their representative at Athens, that they are at issue upon that first and cardinal point on which so large a portion of the merits of this question must necessarily hinge. The noble Lord seems to draw the line very strongly, that these claims were to be admitted, in all their integrity, by the French negotiator, and there was to be no question as to the principle of them, but only as to the amount to be awarded to Mr. Pacifico; but I do not think the French Government appear to concur with the noble Lord in that view either. It appears to me that they considered that to restrict their mediation within such narrow limits would place them in a somewhat degrading position, and that the claims of Mr. Pacifico upon the Portuguese Government of so very problematical a nature, and upon the face of them appearing so monstrous and extravagant, fell within the matters which the French negotiator would be justified in investigating. But, as I have said, not having had the opportunity of perusing the documents, I will not venture to go over the statements of the noble Lord. I concur with him that it would be most desirable that our relations of amity with the French Government, and with those other great States of Europe which are alienated from us at this moment, should, if possible, be renewed. Whatever may be the arguments with which the noble Lord is enabled to defend the line of negotiation he has adopted, there can be no doubt that the result has been to place England in a most unfortunate position; that the negotiations, in their issue, have been most unsuccessful. The noble Lord has dwelt upon the alliance with France; he has clung to that; it has been the keystone of the arch of his policy; and that keystone he has contrived, somehow or other, to pick out himself. The noble Lord had scarcely an ally left in Europe but France, and he has contrived to offend and to alienate that ally. I do not conceive, considering the gravity of the step the French Government has taken, and the publicity given to it, that it will be so easy as the sanguine hopes of the noble Lord appear to paint, to renew the amicable relations which have subsisted. I fear the noble Lord has contrived to place himself in a position of such antagonism with that Government, that he will be a great bar to the resumption of friendly relations between the two countries. This is a subject which, as it implicates the honour of this country, as it touches nearly its interests, and is big with evils and menaces great danger to the future, cannot be disposed of lightly or hastily; it must occupy the attention of this House. We should be neglecting our duty, indeed, if, with a charge thus publicly made before the whole of Europe, implicating the honour and good faith of England, and leading necessarily to an interruption to all our friendly relations with the Continental Powers, it should not receive in this country, and from this Legislature, the fullest and most deliberate investigation. I conceive that so far there is no hostility of feeling at present between the French and the English communities. I consider that the feelings of England towards France are friendly. I consider that there is no national irritation at this moment existing on the part of the French towards England. Let one or two steps be taken in this direction—let us proceed with anything like rashness or a desire from party motives to vindicate what we may find, upon examination, to be objectionable, and a rivalry must inevitably spring up, old feelings of irritation will be revived, and the peace of Europe itself will have but a short lease of duration. It is impossible—I say it advisedly—it is imposible for a state of things such as exists at this moment between England and almost all the other Powers of Europe, to subsist without the future of England being menaced with war. It is impossible for us to conceive that such a state of things can long go on, that there can be merely this kind of tacit hostility—this kind of neutral hostility—this hostility in heart and in spirit pervading so large a portion of the Continent, without its breaking out somewhere. Let us guard against it in time. Let us show, that we, the Legislature of this country, are prepared to bring to the consideration of this question no spirit of party, but to consider it with caution, with deliberation, and with impartiality; and that while we shall always be ready to maintain the real honour and interests of this country, we feel that we are strong enough to do justice even at the expense of ourselves.

Viscount MAHON had only one observation to offer at this stage of the discussion of these affairs. He simply rose to complain, or, more properly speaking, to lament the great delay which had taken place in the production of the documents necessary for the understanding of this case. This morning those papers were not delivered with the Parliamentary papers. In his own case they had not been delivered at half-past three, when he left home; but he had been told that at some time between that hour and the present moment, a certain number of copies had been sent to Members. He was willing to hope that the noble Lord at the head of Foreign Affairs had used all despatch and expedition in having the documents prepared; but, in the absence of those documents, he did not think this question could be discussed. He therefore entered his protest against being drawn into a discussion upon this question when the documents upon which his opinion must practically be founded were not yet fairly in the hands of Members.

Mr. SMYTHE: Sir, I should not now trespass upon the attention of the House if it did not appear to me that there were statements in the explanation given to-night by the noble Lord at the head of Foreign Affairs not entirely countenanced by the statements in the papers laid upon the table of the National Assembly of France. For instance, I understood the noble Lord to say that Baron Gros had withdrawn from the negotiation. Now, there is a despatch laid before the National Assembly, in which Baron Gros, on the 24th of April, distinctly intimated to Mr. Wyse that he had not withdrawn from the mediation; his words were (alluding to the original stipulation that coercive measures should be resumed without further orders, "in case he should declare that he gave up the *rôle* of mediator"), "I have not given up the *rôle* of mediator; I presented to you a project which I think just and satisfactory. For God's sake submit it to Lord Palmerston." Can any thing be more distinct than that? Now, Sir, if the French people, or the European public, believe in those protestations of amity towards France in which the noble Lord has indulged, and with which he succeeded in evoking the sympathies of this House, and if the English public are parties to those sympathies, I think it would have been easy for Mr. Wyse, in pursuance of his conciliatory instructions, to have acceded to the request of Baron Gros. Sir, I agree with the noble Lord the Member for Hertford in thinking that the time has not yet arrived for the complete discussion of this question. But, Sir, what has arrived, what has happened, what may be regarded as an accomplished fact, and that upon which some discussion may well arise in this House, is the alarming exchange of intimate and confidential relations with the Government of France for those of alienation and estrangement. Sir, it is seldom that I venture to speak in Parliament. The last time I presumed to address a few words within these walls, in 1847, I remember that I ventured to implore the noble Lord not lightly to throw away that intimate and cordial understanding with France, which had been bequeathed to him by his predecessor the Earl of Aberdeen. What has become of that *entente cordiale* now? Why, Sir, the Minister of July, 1840, as it was foreseen by the most clearsighted of his colleagues, has taken every opportunity, under every Government of France, to break from that wise, that essential, that auspicious alliance. For the severance, Sir, is not of yesterday. It began when the House of Orleans was on the throne of France. It began on the question of Switzerland; it exposed itself in an isolated protest on the question of Cracow; it was consummated in the policy which followed upon what was called the Spanish marriages. But did the severance stop there? Did it stop with the fall of Louis Philippe from the throne of France? Sir, that severance was again manifested after the accession of the Republic; it was exhibited in the Straits of Messina; it was again shown when France reverted to the policy of order in the Italian peninsula; once more the other day in the affairs of the Rio de la Plata; and it has lastly broken out in the lamentable and untoward occurrence now under discussion. Sir, in these observations I intend to confine myself simply to the question of our relations with France. I would say then, that I think when the noble Lord just now, in his able and masterly statement, proved his case, he did not prove a case which in any way impugned the opposite case of the French Government. The noble Lord took great pains to show that he had narrowed and contracted the original intervention of France, first of all from arbitration to mediation, and, secondly, from mediation to "good offices." Now, all this I think is of a pedantry unworthy of a great nation. Surely, in the matter of these miserable monies, we could well have afforded to submit to the arbitration of a powerful and therefore disinterested nation like France. But, unhappily, I think throughout his negotiations the noble Lord has marked his policy by jealousy and distrust, and insult towards that Government. Sir, I say the noble Lord showed jealousy to France, precisely because he offered first arbitration, then mediation, and then good offices. I say he showed distrust to France, as in the papers laid on the table of the National Assembly I find that he began by abuse of the resident Minister, M. Thouvenel, and wound up by abuse of the special envoy, Baron Gros. I assert, further, that the noble Lord has shown insult to France, as he entered into a convention on the 18th of April—and let it be remarked, that throughout the whole of his masterly statement not one word escaped the noble Lord with regard to that convention, and one might be led to suppose it had never been projected—which convention he was obliged to repudiate and reject on the 10th of May, and thus offer insult to the Government of France. And why was it repudiated and rejected? Because, on the 27th April, the noble Lord, by the aid of a leviathan fleet of Great Britain, had at last harpooned his miserable minnow, the infinitesimal monarchy of Greece. What wonder, then, that an ardent and susceptible people, *igneæ indoles*, should take notice of so long a series of evil offices from the Minister of July, 1840. What wonder is it that they should have risen as one man, represented by seven-eighths of a chamber elected by universal suffrage, to applaud the recall of their Ambassador. Sir, I have seen it somewhere stated that that recall was not sympathised in by the higher authorities in France. But this I will venture to say, that be the prince or governor what he might, who should be at the head of affairs in France, he would stand a very good chance of sleeping within the week at Vincennes on Mount Michel, if he had not exhibited that sympathy. It is also stated that one portion of the Assembly did not entertain the same feeling of indignation at the noble Lord's conduct as is entertained by the people of France. But it was only the other day that I read a work from the pen of M. Ledru-Rollin, certainly the ablest and most eloquent leader of the democracy of France. Speaking of the foreign policy of England, M. Ledru-Rollin alludes to it as a worn-out vulture in its isolated eyrie. He states that England enters into no treaties which it does not violate; and that the sea is not more full of ruin and of wrecks than the history of England of diplomatic crime. Therefore I think it unlikely that the party which M. Ledru-Rollin still guides from exile should sympathise in the foreign policy of the Minister of July 1840. Now, Sir, it appears to me there are only two solutions to this question which would be satisfactory to this House. One is almost too absurd to name—the retirement of the noble Lord at the head of Foreign Affairs; for he is a necessity to that Europe to which he is at the same time odious. I will logically prove it. No man will dispute that Great Britain is a necessity to the balance of power. In the present state of parties it is as undeniable a necessity that the Whigs should govern, and the noble Lord is unquestionably indispensable to the Whigs. It is, therefore, impossible to arrive at that solution. But there is another solution still. I would venture to ask the noble Lord to give effect to that stipulation of the 18th April, by which a benefit will be conferred on Greece, a courtesy shown to France, and justice will be done to England, whose honour in this matter is, I think, so solemnly engaged.

MR. DRUMMOND: Sir, I am of opinion that the statement made by the noble Secretary for Foreign Affairs on a former evening, which has not been interpreted by some persons as it ought to have been, has now been satisfactorily explained. It further appears to me that the noble Lord did nothing but his duty in making that statement in the terms which he used. There is, however, much truth in the old saying that when a man is determined either to marry or to fight, it is very difficult to prevent him. I wish I did not see such a pugnacious spirit—such a desperate desire to fight, on the part of Her Majesty's Ministers. It is true that many cases may arise in which it would be impossible to put up altogether with an insult from a weaker Power; but I remember perfectly well the great Mr. Grattan observing, upon some occasion—I think it was when Sir F. Burdett was committed to the Tower—

> "Every one sides with the weaker party. You may sometimes see a little deformed dwarf kicking the shins of a great giant of a fellow, and when the giant, very properly, boxes his ears, all the bystanders sympathise with the dwarf by calling out 'Well done, little one.'"

I am willing to admit, though only for the sake of argument, that it was necessary for the British Government to send a fleet to exact a sum of money from Greece; but the moment a great Power like France offered its mediation in the matter, Ministers would have best consulted true policy and real dignity by at once surrendering up the whole question, and putting it entirely out of their own hands. They ought to have given France a *carte blanche* to deal with the matter as she pleased. It unfortunately happens that the documents which have been placed upon the table of the House, contain evidence showing it to be the general opinion of foreign Powers that the English Government have instigated every rebellion that has occurred throughout Europe. It is also the opinion of the rebels themselves, who complain that England fomented their mischievous proceedings at first, and left them in the lurch at last. The result is, that now we have not a single friend in any part of Europe. It must be admitted that the noble Lord the Secretary for Foreign Affairs is not particularly nice as to giving offence to foreign Governments. Only that morning, on reading some papers lately presented to the House, relative to the renewal of terms of amity between this country and Spain, I observed that the noble Lord had ingeniously contrived to rub the old sore. The noble Lord professed an anxiety to be upon terms of peace and amity with the Spanish Government, and yet he went out of his way to parade before that Government in the most offensive and insulting manner a name which he knew was odious to it. Now, suppose two private gentlemen had had a quarrel about one of their servants, and agreed to make peace with each other, would not every feeling of delicacy and honour prevent the name of the servant from being introduced into their conference? It is desirable the House should clearly understand that it is not upon Ministers they are called upon to pronounce judgment in these matters. It is the honour of the Crown which is at stake—it is a question of peace or war. If the House of Commons do not decidedly say by a large majority that they will have peace with France—cost what it may cost—[*Cries of* "Oh!" *from the benches usually occupied by the* "*financial reformers*" *and* "*friends of peace.*"] Oh, I am not a member of the Peace Society. I am not one of those who say that there should be no war, but I have a great contempt for the pot valour which would rush into a war without counting the cost, and would then come back here whining and crying out for diminished armaments, to be followed again by complaints of crippled commerce and starved manufactures. Let us understand what we are about. We are going to war, not with France alone, but with Austria and Russia secretly backing her, and we must look very sharp if, after the despatches which have been received this day, America is not found behind them.

COLONEL DUNNE believed what had recently occurred would not have the effect of altering our relations with Greece, nor cause any misunderstanding with France. With respect to the possession of the islands of Cervi and Sapienza, he had been connected with the commission, appointed twelve years ago, in separating Greece from Turkey, and was well aware that those islands were considered part of the Ionian Islands, and that the Government of Greece had no claim whatever upon them.

Mr. DISRAELI: Sir, I would recommend the House not to ratify, by too assenting a cheer, the suggestion of the noble Lord the Member for Hertford, that we should not presume to give any opinion upon foreign transactions in this House until the papers having relation to them have been laid upon the table. I remember some little time ago, when the affairs of Italy caused considerable excitement even in the House of Commons, a feeling of equal delicacy induced the House to postpone a discussion, and to withhold an opinion upon some of the most important transactions of modern history, until the papers on the subject were laid before them. At the end of the Session, or, I believe, after the prorogation of Parliament, these papers appeared in the shape of three folio volumes; and I venture to say, if hon. Gentlemen who read those three volumes, and digested and mastered their contents, walked into the lobby of this House, we should see the smallest minority ever found in that chamber. Sir, I believe there is no popular assembly in Europe that less willingly obtrudes itself in discussions connected with our diplomatic relations than the House of Commons. I am sure that no Government, in England, has been more tenderly treated by the House of Commons in that respect than Her Majesty's present Government. But exactly in proportion as that wise reserve prevails among us, do I think we have a right to expect, on the part of the Government of the day, a becoming frankness. It is an understood condition of the compact between the Government and the Opposition on this subject, that if the latter does not provoke discussions which might injure important negotiations, the former shall evince when necessary a proportionate frankness. Sir, the speech of the noble Lord the Secretary of State, to-night, has been described as an able and masterly statement; but, for the life of me, I cannot understand why it should not have been made a week ago; for the noble Lord has said nothing which he might not have said the day before the adjournment. If the beneficial consequences the noble Lord contemplates are to flow, I think it matter of regret that even a week should have been lost in making a statement which might as well have been made then as now, and which, according to the silent expectations of hon. Gentlemen opposite, is calculated to remove all those inconveniences we have observed and lamented. Now, Sir, I do not desire or intend, on the present occasion—I see no necessity for so doing—to enter into any discussion upon the affairs of Greece. But I would observe that although the noble Lord has, we will admit, answered satisfactorily the question of the right hon. Gentleman the Member for Manchester of last Thursday, I am not aware that the noble Lord at the head of the Government has yet satisfactorily explained that tone of reserve and tint of equivocal colouring which characterised his reply to other questions on that day. I apprehend that no sane man thinks the Greek claims are anything but a pretext—no one of sane mind can suppose that a powerful armament of Britain was suddenly brought into the waters of the Mediterranean to advocate the somewhat ludicrous and suspicious claims of Mr. Pacifico. Some cause, not stated, seems to have been at the bottom of this demonstration. In some of the diplomatic documents that have transpired in this country, it would appear that some intimation of this cause is given. It seems to have been necessary, in the opinion of the Government, that a great demonstration of the power of England last year should be made in the Mediterranean seas. There were disturbances in one of our dependencies—in a Greek State under our protection. And here I would remark that I observe one point of unanimity in the supporters of Her Majesty's Government. These supporters are unanimous as a whole, but as sections they are in opposition. One class of supporters regard the noble Lord the Secretary for the Colonies as an extremely incompetent and headstrong Minister. Another section of those Gentlemen, unanimous in their support of the Administration, take it in their head to denounce the other Secretary, the noble Lord the Secretary of State for Foreign Affairs. He is a harsh and arbitrary Minister, they say. But it happened last year, that these two Secretaries of State, who are supposed not to agree in sentiment upon any subject whatever, were obliged to interfere in the same quarter of the globe, and to co-operate together. The moment I heard the Colonial Secretary was meddling in Ionia, and afterwards, in co-operation with the Secretary of State for Foreign Affairs in Attica, I thought that something would happen. And when the expected discussion takes place, we may perhaps discover that these two stars crossing each other have produced those disasters which we now deplore. The noble Lord the Member for Hertford warned us not to give our opinions until the papers are before us. But the noble Lord might have remembered that the papers on this subject are now in the possession of the House. I cannot say—and I suppose I speak the feeling of the majority of the House—I cannot say they are in my possession, for I have not received them yet. They came too late! they came, like the noble Lord's despatches, too late for the post. If the noble Lord could only have contrived that we should have had our papers as soon as the French Assembly had their documents, I confess I should have listened with much more satisfaction to the "masterly statement" of the noble Lord, which we cannot answer, because the noble Lord at the time he speaks brings forward for the first time those voluminous papers, and lays them on the table. But, Sir, I observed very singular omissions in the "masterly statement" of which we have heard so much. We heard nothing, for instance, as the hon. Member for Canterbury very properly pointed out—we heard nothing throughout that singular exposition—not a single allusion to the convention of April agreed upon in London. Who could possibly have supposed—who really was in ignorance of these matters—that whilst the noble Lord was entering into all these interesting details about the doings of third-rate diplomatists in a fourth-rate State—that the Foreign Minister of England and the Ambassador of the Republic of France were negotiating together in the capital of Great Britain? Why, Sir, no doubt the grievance—the sore grievance of the French nation—is, that they should have permitted the Ambassador of their Republic to enter into a negotiation and draw up a convention with the Foreign Minister of England; and then find, instead of these great personages solving the knot—notwithstanding all that demonstration of good feeling on the part of France, and all that employment of powerful energies, that it all ends in a squabble in a remote corner of the world, carried on by obscure and subordinate individuals. But the "masterly statement" made other omissions on matters of the first importance; for I listened in vain for the slightest allusion to the position in which we are placed with respect to Russia in consequence of these transactions. I did not expect the noble Lord to enter into the details of his diplomatic dinner party—I did not wish him to give us reasons why the Minister Plenipotentiary of all the Russias was not his guest. But considering that even in this book, which we have not had an opportunity of reading, there are several despatches of the Russian Ambassador, and considering that in all the transactions connected with Greece, Russia is a party deeply interested, and one of the chief Powers of the world, it would have been extremely satisfactory if the noble Lord had not ignored the existence of Russia, and had informed the House that he not only had a prospect of re-establishing a cordial understanding with France, but that our cordial understanding with Russia was not in the least degree damaged or endangered. But neither of these great and salient points was even so much as incidentally alluded to throughout the "masterly statement." But there was another point — and I am speaking now without authentic documents, and following the noble Lord, who certainly with masterly tactics made his defence, because he kept from us the documents and authorities by which it only could be confronted — there is, I say, a third point on which I could have wished that we had had satisfactory information, and that is with respect to the islets that we have heard so much about. It would have afforded some satisfaction, I am sure, to the House, if the noble Lord had told us that these elements of future discord were dismissed from this question, and that hereafter, however anxious may be the position of Great Britain—however great the difficulties with which we may have to contend as regards France and the other Powers connected with the question—still that this long controverted subject had been finally settled by the diplomacy of the noble Lord. Yet to those three great, and in my opinion principal, points connected with this question, not one allusion has fallen from Her Majesty's Ministers. I say Her Majesty's Ministers, because I reprobate the loose habit we get into in this House of attacking the chief of a particular department, instead of the Government. If any blunder is made, the chief criminal is the First Minister of the Crown—he it is who is the chief of the policy of the Government; and I mean to hold him responsible. The noble Lord the Secretary of State, although he presides over his own peculiar department, occupies in reality a subordinate position. Well, if no allusion is made to the principal points on which the attention of Europe is now fixed, and if after weeks of cramming, and preventing us from having the documents by which we might meet the Government, if the only case brought forward by the Government is a case which omits these important points, and one that is narrowed to the smallest issue—let us see how satisfactory is the "masterly statement" as respects the very narrow issue on which the noble Lord has chosen to enlighten us—I mean the immediate causes of the misunderstanding with France, which has arisen out of the proceedings in Greece. Well, Sir, it appears that the French Republic, in consequence of the arrival of our fleet at Athens—remembering always, as the House should, that France by treaty is peculiarly interested in all the transactions of these countries—the French Republic was desirous to mediate in this affair. The noble Lord studiously avoided a mediation or an arbitration on the part of France. The noble Lord—the organ of the Government on this question—I do him the justice to admit that his expressions on this subject, as far as I can form an opinion from the documents laid before the French Assembly, never were equivocal or ambiguous. From the first moment when the French Republic offered her mediation, she might have distinctly collected, from the language, the manner, and demeanour of the noble Lord, his extreme unwillingness that she should interfere in the business. Now, Sir, what does the noble Lord do under these circumstances? He says, "I am for no arbitration or mediation, but I consent to the French Republic exercising what are called 'good offices.'" Now, Sir, if there is any process in diplomacy more dangerous than another, it is consenting that a third Power shall exercise good offices. That Power, remember, is invested with no authority under these circumstances, and therefore incurs no responsibility; and—except in the case in which both parties between whom the controversy lies, are anxious that a termination of the misunderstanding should take place, and that a golden bridge should be conveniently and quickly formed, by which the one may retire with honour—it is a principle in the conduct of such affairs which ought never to be lost sight of, never to consent to investing a third Power with a fulfilment only of what are termed "good offices;" for under no circumstances, except those of mere form, can I recollect an occasion where such a delegation has not ended in disappointment, and often in disaster. Still, one thing is quite clear. However unwilling the Government was at the beginning to assent to the interference of France—however impolitic it was on the part of Her Majesty's Government to agree to this doubtful position being assumed by the Republic—having once taken that course, Her Majesty's Ministers should have acted cordially. They should have acted sincerely. However imperfect the machinery with which the Republic of France was invested for the fulfilment of the common object, it was not Her Majesty's Government who had refused arbitration or mediation that ought to have thrown difficulties in the way, or to have created impediments that might prevent a satisfactory termination of the difference. Now, did Her Majesty's Government act thus—did they act cordially, sincerely, and frankly towards the French Republic? That is a question to be decided even by hon. Gentlemen who have received the "masterly statement" with such ready cheers, and who are averse to entering into the discussion to-night. And I say the evidence before us is complete on the subject, without analysing the book, which none of us have yet read. Here is a passage which my eye catches accidentally in turning over the blue book, and I will read it to the House, because, while very brief, it is yet pregnant with meaning. It is in the despatch of the Marquess of Normanby to Viscount Palmerston, written on the 9th, and received on the 10th instant, and it describes the effect produced in Paris when the news first arrived of the settlement of the Greek question. There is a conversation given between the Marquess of Normanby and General de la Hitte. What will the House think of this?—

> "General de la Hitte read me a despatch which he had communicated when he had first received it from M. Drouyn de Lhuys, of the date of the 3rd of March, in which he states himself to have discussed the point with your Lordship, and to have obtained your complete assent to the condition there required by the French Government, that in case of any difference of opinion between Mr. Wyse and Baron Gros as to the terms to be proposed to the Greek Government, hostile proceedings should not be recommenced until a further reference had been made for instructions to London and Paris."

Let the House mark the words—

> "in case of any differences of opinion between Mr. Wyse and Baron Gros as to the terms to be proposed to the Greek Government, hostile proceedings should not be recommenced until a reference has been made for further instructions from London and Paris."

These are very wide words; and what General de la Hitte thought he had a good right to complain of was, that Mr. Wyse had stated that he never received instructions of that character, and certainly had acted in the last instance in defiance of their purport. The Marquess of Normanby goes on to say—

> "I was unable either to admit or deny that M. Drouyn de Lhuys had rightly understood your Lordship to assent to this condition on the part of the French Government, having had no direct communication with you since that date, on this particular point; but I am bound to state that such has been the impression here; and from General de la Hitte's constant language, I do not believe that he would have continued the good offices of France had he believed that they could have had the termination they have now received."

That despatch, to my mind, is pretty well conclusive as to the merits of the question. You may split hairs — you may explain away phrases, but I ask the House this simple question, "Do you think that when the French Republic sent an Ambassador here to draw up a convention with the English Minister which would settle the affairs of Greece, that they could have imagined that, by any possible combination of circumstances, the affairs of Greece could be settled at Athens instead of at London?" No man will deny that diplomatic correspondence may be susceptible of many explanations—it is possible many misconceptions may occur — great errors may be committed in one quarter and another —I do not say that the House is called upon to give an opinion on these points, but I am satisfied the House cannot for a moment conceive that the French Government would have consented to send an Ambassador to London, if they had believed it possible that the dispute would be settled at Athens. That, Sir, is the cream of the case. Then I ask why, after Her Majesty's Government had received the first overtures of the French Government with coldness and a repulse, why did they, after finally declining their suggestion, assent to a most imperfect and unsatisfactory machinery for the settlement of the business? Was the conduct of Her Majesty's Ministry straightforward to France, even if it was not cordial? First, it was not cordial; and then it was not frank. The catastrophe never could have occurred if there had been cordiality. I don't know what the First Minister thinks of this affair. Every night he is reminded by Members on both sides of the House that he is a Minister free from ressponsibility to Parliament, and that makes a man bold. But the noble Lord, I believe, has not yet been in power for four years, and I think he must have sometimes reflected on the remarkable diplomatic occurrences that have taken place within that short period. One day we are told that a Plenipotentiary of our Government is rudely expelled from Madrid. Next we learn with anxiety that the Austrian Ambassador has disappeared from London; and then we suddenly learn that the French Ambassador is recalled. And only a little time ago we heard that the waters of the Hellespont were in commotion. Even the Turkish Ambassador was nervous; and nobody knows what has become of the Russian Ambassador. It is not known whether he, too, has gone off, or whether he still remains to adorn that society of which he is justly considered an ornament. But I think the noble Lord, remembering these circumstances — that his Government has been in a series of diplomatic scrapes from the first moment of his taking office—that the country has been reconciled to these unfortunate contingencies by the recollection that at least our powerful neighbours were still upon the best terms with us—and that whatever might be our differences with the other Powers of Europe, the French people yet remained, under every form of government the cordial ally of England—I think the noble Lord, when he finds that his Administration may have succeeded in depriving us even of that sole compensation for all the other mischances of our diplomacy, that even the noble Lord, although it is seven o'clock, and though there seems to be a kind of agreement that there shall be silence on the other side, will feel it only due to the country that he should get up, and, if possible, give the House the assurance that we have still one ally left.

Lord J. RUSSELL: Sir, the speech we have just heard is one of the greatest proofs that could have been given of the wisdom of the advice of the noble Lord the Member for Hertford, that it would be well not to debate this question until hon. Members had had time to peruse the contents of the papers on this subject; for, certainly, if the hon. Gentleman who has just spoken had had a glimpse of the contents of those papers, he could not have fallen into the series of errors which have characterised his speech. The hon. Gentleman expresses his wonder that my noble Friend made no reference to the convention of the 18th of April. Why, the object of my noble Friend's explanation was to show that the charge and statement that the Ministry of Foreign Affairs in France appeared to have made, that my noble Friend had made a promise which he had not kept, was not a well-founded statement. But the convention to which he alludes was made on April 18, and on the 23rd of April Baron Gros made that announcement to the Greek Government and to Mr. Wyse, which, in the opinion of Mr. Wyse, suspended and put an end to the powers of Baron Gros as a negotiator. Mr. Wyse might be right, or he might be wrong, in that interpretation; and my noble Friend's arguments were intended to show that Mr. Wyse was justified in that interpretation, and in the consequent recourse to coercive measures. But if he was right in that course, and justified in that interpretation, it is obvious that the convention of the 18th of April must arrive too late to influence the French negotiator on the 23rd of that month. The intervening four days were not sufficient to allow it to go out, so as to exercise any influence in Greece over the conduct of the English and French negotiators. And yet this seems to have been such a puzzle to the hon. Gentleman, that he cannot understand why my noble Friend did not explain why the convention of the 18th of April did not conclude the business in this country. If it should appear that Mr. Wyse has mistaken his instructions, and the purport of Baron Gros' announcement to the Greek Government, then it might be said that my noble Friend had not laid due emphasis on the convention of the 18th of April. But the statement which my noble Friend made, precluded his having any necessity to lay any stress upon that convention. Whether the hon. Gentleman was right, or Mr. Wyse was right, might be a matter for argument when hon. Members have read the papers. The hon. Gentleman also complained that this negotiation had been concluded at Athens and not in London. Why, from the first it was intended that this question should be settled in Athens, and not by England only. France sent a negotiator there for the express purpose of settling the question there; and the first thing the French Ambassador did was to agree that the negotiation should be conducted at Athens. The convention was proposed on the 15th of April, and carried out on the 18th. It was an afterthought of the French Ambassador, and it would have been highly useful if Baron Gros had not thought it right to take the step he did. The convention would then have concluded the whole negotiation upon terms perfectly satisfactory to England and France; and we certainly lament that it did not do so. Allusion has been made to the explanation I made a few days ago; and, without entering upon the general discussion, I am anxious to state a few words with respect to the explanation I then made. Having been engaged in public business on Friday, and having attended a Select Committee of the House until three o'clock, I had not read the despatch which was read by General Lahitte to the French Assembly. I had seen a general statement in the newspapers that the Minister of Foreign Affairs had read a despatch for the withdrawal of M. Drouyn de Lhuys, but I had not read the despatch. But what I had read was a despatch of the Marquess of Normanby, giving an account of his communication with General Lahitte; and when the hon. Gentleman asked me the question which he put, I stated the purport of that despatch—that, in consequence of the displeasure felt by the French Government with respect to the affairs of Greece, they had thought it right to recall their Ambassador. That was my statement, made in perfect conformity with the representations which had been made to us. But I went on to say that the French Minister of Foreign Affairs had stated to the Marquess of Normanby that the return of M. Drouyn de Lhuys should be considered as natural, since, having been sent here specially to settle the affairs of Greece, and the negotiations having failed, his mission had reached its termination. Now, it is right I should state that, by a despatch received to-day from the Marquess of Normanby, it appears that while the Marquess says he has a recollection that these were the terms used by General Lahitte, the French Minister of Foreign Affairs, yet that, in consequence of the Marquess of Normanby having stated that these events might affect his position in Paris, the words may have been used out of civility and kindness to him. General Lahitte does not, it appears, recollect having used these terms; and the Marquess of Normanby says, that being the case, he certainly cannot hold the French Minister of Foreign Affairs to words which he does not recollect having employed. Now, not being aware that the statement I made was one which General Lahitte would not bear out, and having given it as the Marquess of Normanby stated it—whether it was a statement that went in any way to explain the termination of M. Drouyn de Lhuys' mission or not—it was a matter for which I was not responsible. I wish to state that the French Government had, from displeasure with the conduct of England, recalled their Ambassador from this country, yet that there had been words used by the French Minister of Foreign Affairs from the nature of which we did not think the matter so serious as that circumstance might have led us to suppose. With respect to any other statement of mine, I can only say that I answered the questions asked of me to the best of my judgment. When the hon. Member for Radnorshire asked whether we had a copy of the despatch recalling the French Ambassador, that being the actual purport of his question, I answered that we had not a copy of that despatch; but, in answer to a question put by another hon. Gentleman, I stated that the despatch had been read. Therefore I say, Sir, that the statement I made the other evening to the House was a statement of the whole truth, so far as I was then aware of it. With respect to the general question, though the House does not think it proper to enter into a formal discussion on these matters, yet I am truly sorry that there should have been any observations made; and I think there were observations made by the hon. Member for Canterbury that may tend rather to increase than to diminish the difficulties of this question. In any discussion that may hereafter take place in this House, I shall be happy to take my full share of responsibility along with my noble Friend who has conducted these negotiations, because, though he was the organ of the Government, and in full possession of the sentiments of the Government on the matters in question, yet I, as the head of that Government, avow and consider myself to be mainly responsible for the course which has been pursued. Sir, I must further add, in answer to the observations of the hon. Gentleman, that there have been occasions—for there have been more than one occasion—when mediation and good offices— [Mr. Disraeli: I spoke of "good offices"]—there have been occasions, then, I say, when the exercise of "good offices" have been essential in maintaining the peace of two countries. I need only state the case of Naples, in which a demand by ourselves was enforced by coercive measures. These coercive measures were suspended at the request of the French Government, who offered their good offices on the occasion. Those good offices were accepted and were successful, no further coercive measures being rendered necessary. Another case took place with regard to Mexico, and in that instance our position was reversed. France and Mexico were on the eve of hostilities; but the good offices of England were successful in preventing those hostilities, and restoring peace. Therefore it is not at all true, as a general maxim, that good offices may not be of great service with respect to such matters. I need not enter into other questions on which hon. Gentlemen have touched; but I will say that I agree so far with what has been stated, that if there is any explanation we can make to the French Government, consistent with the honour and the interests of England, that may remove the unhappy misunderstanding that exists, and restore to a state of harmony the relations between the two countries, there is no effort that Her Majesty's Government will not make to accomplish that desirable object. I trust, notwithstanding the taunts of the hon. Member for Buckinghamshire, that we shall have credit for cordiality and sincerity in that wish. I do not think any circumstance, since I have filled the situation which I now hold in public affairs, has given me so much pain as this unhappy difference with the Government of France. There has been more than one occasion on which—I do not wish to enter into details—we have shown a wish to consult the interests of the Government of France, when, I will not say the interests of England, but the popular feeling of England, was a good deal against the proceedings of the French Government, because it was our wish to show forbearance to a Government which we desired to see strong and powerful, and whose existence and strength we conceived to be necessary to the permanent peace and prosperity of Europe.

Subject dropped.

SUPPLY—ADULTERATION OF COFFEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. C. ANSTEY said, that on bringing forward the subject which he had now again the honour to move, he last year had pointed out that there were three courses open to the Chancellor of the Exchequer; to repeal the customs duty on colonial coffee altogether—to enforce the existing law—or to impose an excise duty on vegetable substitutes for coffee. The right hon. Baronet had stated that he did not think it expedient to propose any change of the existing law; the inference, therefore, was, that he would not longer interpose between the laws and their enforcement. The public health was affected by these adulterations of coffee, perpetrated by fraudulent dealers, under the direct sanction of the Treasury minute, to an extent which the witnesses described as perfectly awful. It was a singular fact, that whilst the consumption of all other articles had increased since the reduction of the customs duties in 1846, that of coffee alone had decreased. The reason of this was that coffee was adulterated to an enormous extent, and because the right hon. Gentleman the Chancellor of the Exchequer and the Government stood in the way of the operation of the law which would prevent that adulteration from taking place. The Act of the 43rd Geo. III, prohibited the adulteration of coffee and cocoa under a penalty of 100*l*. and a forfeiture of the article. But the Act was to be put into operation by means of the Commissioners of Excise. Now, it was singular that whilst the Commissioners prosecuted for adulterations of tea and pepper, they had not prosecuted for adulteration of coffee. On the 4th of August, 1840, on complaints being made to the excise by coffee dealers in Liverpool that that article was adulterated to a great extent by mixing chicory with it, the Lords of the Treasury issued a minute prohibiting any prosecution, and stating that no fraud had been committed as long as the duty on the chicory had been paid. This was the minute the rescinding of which he wished to obtain, through the instrumentality of that House. It was not unfair or uncharitable to suppose that some secret reasons, some powerful influence, must have operated on the mind of the then Chancellor of the Exchequer, and the Lords of the Treasury, which induced them thus to interfere with the execution of the law of the land, and to give an advantage to the fraudulent dealer over the fair dealer. But let the House observe how it affected the revenue. In 1830 the revenue derived from the duty on coffee amounted to 579,363*l*. In 1847, after the duty had been reduced, there were 37,472,153 lbs. of coffee delivered for consumption in this country; in 1848 it was reduced to 37,107,279 lbs.; in 1849 it was still further reduced to 34,431,074 lbs.; and in the three first months of the present year there were introduced into five principal ports of the kingdom, 5,888,761 lbs. against 7,623,464 lbs. for the corresponding period of last year; so that in three months the revenue had decreased to the amount of about 36,000*l*., and it was calculated, at a moderate estimate, that the falling-off for the present year, as compared with the last, would be 162,000*l*., or, if compared with 1847, 250,000*l*. The merchants at home, the colonists, and the retail traders, all, with one exception, had presented memorials to the Government complaining of the system of adulteration, and alleging that as long as it was suffered to continue, the revenue would decrease. The one exception to the general voice was Mr. Younger, who avowed himself to be the fortunate individual who discovered the art of adulterating coffee with chicory, and who asked the Government to give him an opportunity of trying another method of adulteration by the use of another vegetable. That gentleman complained that other persons were in the practice of adulterating chicory itself, and he alleged that 10,000 tons of chicory and 10,000 tons of another vegetable, which was used as a substitute for chicory, were annually sold in this country for coffee. Assuming the half of these figures to be the truth, it would show that 22,400,000 lbs. of stuff was sold in our markets under the name and at the price of coffee, while, according to the returns, the amount of coffee entered for consumption during last year was 34,431,074 lb. How great must be the loss of revenue under a system which permitted a spurious article to be substituted for coffee to an amount almost equal to the quantity of coffee itself that was imported into this country? How could the right hon. Gentleman ask for new taxes, when he thus voluntarily abandoned a revenue of 250,000*l*. sterling per annum? The memorialists, among whom were the members of the Chamber of Commerce at Ceylon, and no less than 91 respectable houses in London, at the head of which was Baring Brothers, asked no protection; all they required was that the operation of the law might not be impeded. He knew many persons supposed that the mixture was more wholesome than the genuine coffee. Whether that were so or not, it was a fraud to sell chicory for coffee. But the vegetable used in the adulteration of coffee was not the genuine vegetable, because persons now undertook to adulterate the substitute itself, with essence of acorns, peas, and beans, and other substances. The right hon. Gentleman the Chancellor of the Exchequer had exhibited some of the essence of acorns, and if he had tasted it he was sure the illness which had kept the right hon. Gentleman from his place in Parliament, and which the House had so much regretted, must be attributed to that fact. Mr. Younger said that the farmers adulterated the chicory root to an extent of from 25 to 50 per cent, by mixing up with it parsnips, beetroot, &c. This forced what Mr. Younger calls the respectable houses to do the same, and they adulterated again to the extent of from 25 to 50, and sometimes 75 per cent. When it got to the grocer it was again adulterated, so that its identity was completely lost. He would read for the House a list of articles with which it was adulterated. First, there was common ruddle; then there was a kind of earth called Spanish brown, inferior to Venetian red. A very common mode of adulteration was by mouldy ship biscuits. These were obtained at Liverpool, Bristol, and Hull in large quantities. His informant stated that on a complaint being made to a Quaker gentleman, that the stuff which he sold for coffee to the grocers was not of the proper colour, he made this answer, "We can put a little more soot in it to work up the colour." Burnt sugar and a modicum of isinglass, and even Russian glue, were used in adulteration. Another gentleman complained that rope yarn and even vegetable offal from the dunghill were used, and all under the direct sanction of the right hon. Chancellor of the Exchequer. Yes, for those who looked to him for instructions were the persons whose duty it was to enforce the law and suppress the abominations, but they were not allowed to prosecute. The right hon. Gentleman showed as little regard for the public health as he did for the public revenue: and the result of the system was discouragement to the fair trader, and encouragement to the unfair one. Several traders were obliged to adopt the system of adulteration in self-defence; but he had letters in his possession to show that they were ready to avow submission to the law if the law were applied to all fairly, which would not be permitted by the Chancellor of the Exchequer. By the trade and navigation reports, it appeared that the total quantity of coffee imported in the months of March and April, 1849, was 1,615,615 lbs., whilst in the corresponding months of the present year the importation reached 2,170,493 lbs., thus showing a great increase. The quantity entered for consumption in the months of March and April, 1849, was 2,823,920 lbs., whilst in the corresponding month of the present year it was only 2,454,540 lbs., thus showing a considerable decrease. In the quarter ending 5th April of the present year, the increase of importation as compared with the corresponding quarter of the previous year, was 4,236,999 lbs., whilst the decrease in consumption was 3,650,526 lbs. He might go on and show that the case was similar throughout, always an increase in the importation, and a decrease in the consumption; and the petition to the Treasury asserted that whilst the consumption of the genuine coffee was falling off, that of the adulterated article was increasing. The only article which exhibited similar anomalies was that of cocoa, which was allowed to be adulterated in the same way as coffee. The papers he held in his hand showed that the revenue on tobacco, which had been increasing for years back, still continued to increase; and he wished to state that what the Chancellor of the Exchequer refused to do in the case of coffee, he did in the case of tobacco; because he found in the return moved for by the hon. Member for Newcastle that in 1844 several prosecutions had been successfully carried out against parties for adulterating tobacco by means of chicory, sugar, and other articles. In 1847 he found that the present Chancellor of the Exchequer instituted two prosecutions for the adulteration of tobacco by means of chicory, in one case to the extent of 5 per cent, and in the other 3 per cent; and that on conviction the latter was let off, and the former fined 50*l.* In 1844 he found that the prosecutions for the adulteration of tobacco by means of chicory, saccharine, and other matters, amounted to 78; in 1845 to 102; in 1846, to 15; in 1847, to 9; in 1848, to 15; and in 1849, to 12; thus showing that the prosecutions had done their work, and since then the revenue was on the increase. The previous Chancellor of the Exchequer, the right hon. Member for the University of Cambridge, in taking office in 1841, found the revenue on tobacco declining, as was the case at present with the revenue in coffee ; and, on inquiry, he found it was owing to the system of adulteration that prevailed. He accordingly prepared a Bill regulating the sale of tobacco, and defining the substances that might be used in its adulteration ; and he had the authority of that right hon. Gentleman for saying that not only did the revenue increase, but it continued steadily to increase. Now, he did not ask the present Chancellor of the Exchequer to bring in a Bill, he only asked him not to stand in the way of the execution of the law by revoking the Treasury order, and to listen to the representations made by the merchants and those interested in the growth of coffee. He did not want to see any heavy duty imposed upon the growth of chicory, as had been desired by some of the memorialists of the Treasury, but was anxious that the Government should permit the Commissioners of Excise to give effect to the 43rd Geo. III. and 3rd George IV., prohibiting the adulteration of coffee with chicory, or other deleterious articles.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'for the sake of the public health, the improvement of the revenue, and the encouragement of the fair trader, it is expedient that the Commissioners of Excise be directed to prosecute all persons offending against the laws which regulate the sale of roasted vegetable substitutes for coffee, or whereby the fraudulent adulteration of coffee is made punishable,'"

instead thereof.

The CHANCELLOR OF THE EXCHEQUER did not propose to deny the facts stated by the hon. and learned Gentleman. There was no doubt about the fact that the consumption of coffee had fallen off, as well as the revenue derived from it, and that chicory, and perhaps other articles, were mixed with coffee. But there was still a further question—whether the falling-off in the consumption of coffee was owing to its mixture with chicory. Of that he had very great doubts. Several other articles had fallen off in consumption as well as coffee. There was another remarkable circumstance. The price of ordinary tea consumed by the great body of the population had been reduced in price to the amount of 1*s.* a pound. A preference was given to tea over coffee; for a much larger quantity of tea was imported last year than during the preceding year, and there was, of course, an increased revenue from that source. The hon. and learned Gentleman proposed that the Act 3rd George IV. should be enforced against those who adulterated coffee. His first reason for that proposal was founded on the ground of the public health. He could only now repeat what he had said on a former occasion, that he did not believe the use of chicory by itself with coffee was in the slightest degree prejudicial to the health of the people. The hon. and learned Gentleman might not like chicory: he (the Chancellor of the Exchequer) did not like it; but that was not the question. Though there had been many memorials from dealers in coffee against the use of chicory, it was worthy of remark that not one had emanated from the consumers. It was notorious that chicory was mixed with coffee—he had never heard any one deny it, nor that such mixture was injurious to the health of the party who used it. Nor was there anything unwholesome in the greater part of the other vegetable mixtures. He was surprised to hear the hon. and learned Gentleman say that peas and beans and carrots were deleterious, and had never heard any one else say so. The second ground which would justify the Government in interfering, was the loss of revenue; that ground occasioned their interference in the case of tobacco. It was not for the sake of the health of the parties smoking tobacco that the Government interfered to prevent adulteration, or whether tobacco was made more or less healthy by the addition of water or other ingredients, for he disclaimed the idea of taking the slightest care of the health of the tobacco smoker—but purely upon the consideration of revenue. Then, as regarded tea, the Government interfered upon another ground. It was notorious that sloe leaves, dried upon copper, were mixed with tea—that was a most deleterious mixture, and the Government interfered in the case of teas on grounds of public health; in that of tobacco on considerations of revenue. If the hon. and learned Gentleman made inquiries, he would find that all the milk he drank did not come from the cow, nor was all the bread he ate composed of wheat flour; but he would hardly ask the Government to watch the doings of the bakers and dairymen. Regard must be had to the old maxim, *Caveat emptor*. If the mixed coffee was unpleasant to the taste or injurious in its effects, why, the public would teach the seller not to continue its sale by keeping away from his shop; and the vendor of the genuine articles would have the more custom. The original sanction for the use of chicory was issued when Lord

Althorp was Chancellor of the Exchequer; that sanction was confirmed by his right hon. Friend the Member for Portsmouth, and by his immediate predecessor. He only followed in the same course as the four or five Chancellors who had preceded him. Now, as to the effect upon the revenue, he had not the slightest doubt but that the sale of chicory promoted, rather than injured, the sale of coffee. A deputation from Manchester had waited upon him, having the same object as the hon. and learned Gentleman; but the facts stated by them proved that the use of chicory increased the sale of coffee. The cheapest ground coffee was 1*s.* a pound, whilst the whole coffee cost at the lowest price 1*s.* 4*d.* Thus, by the mixture of chicory, parties were able to sell the mixture at less than the price of coffee unground. The mass of the people consumed the cheaper article, and by consuming the mixture in much larger quantities (in consequence of its cheapness) than they otherwise would, the actual consumption of coffee was in the same proportion increased. Therefore he thought it extremely probable that the consumption of coffee was increased, and not diminished, by admixture with chicory. He would again assert that, as far as he could learn, the use of chicory was anything but injurious. The hon. and learned Gentleman had referred to a memorial from the planters of Ceylon, who complained of the use of chicory; but the hon. and learned Gentleman would see by reference to the papers on the table of the House that the decrease in the importation of coffee was not in colonial but in foreign coffee, for whilst there was a falling-off in the imports of the former to the extent of 6,000*l.* sterling in the foreign article, the decrease of revenue amounted to 60,000*l.*, or sixfold. But the material question, after all, was, what was the remedy which could be proposed, admitting that the evil existed? There were three courses: that of reducing the duty upon foreign and colonial coffee, so as to render the adulteration less profitable; or imposing an excise unpon chicory; or prosecuting those who mixed chicory, or any other substitute, with coffee. The first was the most reasonable. It could not now be adopted; but he would reserve to himself full liberty to consider the question at some future period. The second, whether an excise duty should be put upon chicory, would be objected to most strenuously by the growers of chicory in this country. The subject had been most carefully considered, and, looking at the great opposition that would be raised against such a measure, and the dislike of the nation to the imposition of any new tax, he did not think it would be expedient to propose it. Lastly came the question whether they would put in force the 43rd Geo. III. against those who mixed chicory with coffee. Now, the intention of the enactment was to prevent adulteration only in certain cases, where the adulteration was clearly deleterious to health, or where it affected the revenue. It had always been so construed as not to admit of the interference of informers; the Legislature shrank from allowing them to interfere. The only parties then who could interfere were the officers of excise, and they could not do so without the authority of their superiors. The question was not merely whether he was to revoke a Treasury minute, but whether he was to undertake a crusade against all the coffee dealers in the kingdom, send the excise officers into the house of every seller of coffee to endeavour to ascertain whether the coffee was adulterated; and, if so, to institute a prosecution. Now, that was rather a serious step. He had a strong suspicion that, if he were to take such a course, and oblige the excise officers to make domiciliary visits, petitions would pour into that House from every part of the country, and raise such a flame as the hon. and learned Gentleman would be very unwilling to enkindle. There was another consideration. It would be exceedingly difficult to prove the adulteration, and it was exceedingly desirable that no prosecution should be instituted upon insufficient evidence. Sufficient evidence could only be obtained by suborning shopmen and other persons in the coffee dealer's employ; they alone could satisfactorily prove the admixture. [Mr. ANSTEY; Chicory could be easily distinguished from the whole coffee.] Yes; but the excise officers would be obliged to look at what was ground as well as what was whole. He had desired the Commissioners of Inland Revenue to learn if there were any ready, certain, and available test of the adulteration; and the answer he received was, that neither by chemical nor by any other mode could it be ascertained with any degree of certainty whether a mixture contained chicory or not. The efforts of excise officers, if this course were adopted, would probably prove vexatious in the first instance, and ineffectual in the second. He must again say that he was not prepared to enter upon a crusade against coffee dealers, for he was perfectly convinced that such a proceeding would be harassing and futile.

Mr. CARDWELL said, without asking the Government to adopt the course proposed by the hon. and learned Member for Youghal, there could be no doubt that the present state of the coffee trade might very properly form the subject of discussion in that House. Seeing that the consumption had decreased since 1848 from nearly 10,000,000 lbs. to 7,5000,000 lbs., it was not surprising that the coffee trade should feel anxious to represent their case to the right hon. Chancellor of the Exchequer. The right hon. Gentleman had observed that no memorials had been presented from the consumers, and that *caveat emptor* was the principle to be applied to this case. That implied, that if purchasers were on the alert the evil would not exist. If therefore the evil did exist, it was clear that the purchasers were not alive to it, or they would either have purchased their coffee in the bean, or applied to the right hon. Gentleman. What they complained of was, that chicory and other substances should be consumed as coffee—that the dealers traded upon the ignorance of the poor, and sold them another article instead of the one they asked for. He had been informed by a gentleman who was well acquainted with the subject, that the scale of adulteration usually adopted was, that coffee sold at 1*s.* per lb. contained three parts chicory and one part coffee; that sold at 1*s.* 4*d.* contained five parts chicory and three parts coffee in eight parts; and coffee at 1*s.* 8*d.* per lb. contained equal parts of each. He thought that was a very undesirable state of things, and three remedies were suggested. One was the placing an excise duty upon chicory; that was considered objectionable. The next was one that the right hon. Gentleman had very properly alluded to with caution, the giving a stimulus to the consumption of coffee by reducing the duty. That he hoped the right hon. Gentleman would shortly have it in his power to adopt, although he would not give any pledge on the subject. The course suggested by the debate was, whether the right hon. Gentleman was disposed to give to the Act of Parliament an interpretation which he was right in saying it did not originally bear; these powers were, he believed, given not to protect the public, but the revenue; but the fair trader said, "I am in the same interest as the revenue, and I call upon you to exercise its powers in my behalf." The right hon. Gentleman had very properly said that the sending an excise officer into every coffee dealer's establishment would be attended with very great difficulty and objection. Favouritism would come into play, and it would be found that one fraudulent trader was overlooked, while another was prosecuted. The views he took of the question were entertained by the Chamber of Commerce, Liverpool, whose sympathies were altogether with the coffee dealers; but they did not think it expedient to petition Parliament for the adoption of the remedy now under consideration—they thought, with the right hon. Gentleman, that it would be exceedingly difficult to give the proposition practical effect, and that its result would ultimately be to drive the trade into the hands of the systematically-fraudulent traders. In the justice of these opinions he was entirely disposed to concur, and he was not surprised that the right hon. Gentleman should withhold his concurrence from the proposition. He hoped, however, the subject would receive the consideration of the right hon. Gentleman, and that he would be able to devise some means of redressing a grievance which was now very generally complained of.

Mr. MOFFATT said, there was one class of persons interested whose present position had not been taken into account, namely, the colonial producers. The right hon. Gentleman the Chancellor of the Exchequer said, the colonial producer was protected as against the foreign producer by a differential duty of 2½*d.* per lb. That statement would have been true five years ago; but now that a large quantity of coffee was exported year by year to the Continent, there was practically no protection against the new rival in the competition. The hon. Gentleman had appeared to think that the consumption of coffee was not much diminished by the introduction of chicory. But on that point he must have been undeceived by the statements put forward by the hon. Member for Liverpool, showing that there had been a falling-off of 25 per cent. The course proposed by the hon. and learned Member for Youghal was open to great objection. There were about 100,000 vendors of coffee in the united kingdom; and of these he believed 95,000 coffee dealers sold their coffee mixed with chicory. He quite agreed with the right hon. Gentleman that it was not desirable that he should enter upon a crusade against all these dealers in the article of coffee.

Colonel THOMPSON said: The town I represent, grinds coffee for half the West Riding of Yorkshire. I have no doubt we put chicory into it; I hope we do not put brickdust. But there was always one resource. Any man who had an idiosyncrasy for unmixed coffee, might buy it in the berry. On another point too, he should be happy to abate the anxiety of the hon. and learned Mover. He might depend on it, that if coffee at 6*d.* per lb. was mixed with equal quantities of chicory at 2*d.* per lb., the schoolboy's answer, founded on the rules of Alligation, medial and partial, would be right in saying coffee so mixed would in the long run be sold at 4*d.* per lb.

Mr. ANSTEY would not press his Motion to a division, being satisfied with the discussion which had taken place.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

SUPPLY—IMPRESSMENT OF SEAMEN.

House in Committee.

Captain HARRIS: I rise, Sir, for the purpose of calling the attention of the Government to the importance of making provision, by legal enactment, for speedily and effectually manning her Majesty's fleet in the event of a war. Nothing, Sir, but a very strong sense of duty would induce me to bring this subject before the House —a firm conviction, arrived at after mature deliberation, that whatever inconvenience may arise from its being debated, is more than counterbalanced by the manifest peril to which the country would be exposed on a war breaking out, with the existing traditions and enactments, which are not only inefficient, but prejudicial to the objects which they profess to attain. I need not dwell on the paramount importance of securing resources to send a powerful fleet to sea on a declaration of war. Upon the rapidity with which that fleet could be equipped, upon the efficiency of its organisation, might depend the issue of the struggle; nay, not only a triumph on foreign shores, but the safety of our own from insult and invasion. What would be the exigencies of the Navy in the event of a war? Mr. Ward, in his evidence before the Committee on the Navy Estimates, states, that to man our Navy in 1848, including ships in commission, in ordinary, and those progressing on the stocks, 112,000 officers, men, marines, and boys, would be required; of these, 70,000 petty officers and seamen. We have now 26,000 of the latter. Therefore, to maintain the whole power of our Navy afloat, we should require in addition 44,000 petty officers and seamen. Let us examine what facilities the existing law affords for obtaining these men. The Act 5 & 6 Will. IV., c. 24, recognising the undoubted right of the Crown to the service of all seafaring men for the defence of the country in the event of a war (they being exempt from the militia ballot), contemplates a proclamation of a compulsory term of service for five years. It promises a double bounty (understood to be 10*l.*) to every man volunteering for the Navy within six days of the proclamation, on his arrival in port. It also gives the bounty to those serving in the fleet, or engaging for a fresh term of service. These are the inducements to volunteers to enter the Navy. That they would be insufficient to compete with the high wages that would be offered by the mercantile marine in that emergency, is so well understood by those conversant with the subject, that a further compulsory power is acknowledged to be indispensable. What is that power, our only resource at present? Impressment. Now, Sir, after maturely considering the subject—after testing the most valuable opinions, both in and out of the service, for several years, I have arrived at the conclusion that the boldest and most frank way of dealing with the question is also the wisest, and that impressment by armed gangs should be abolished, as contrary to the spirit of the constitution, derogatory to the honour of the country, and injurious to the efficiency of the Navy. That, fully recognising the right of the Crown to the services of its subjects for the defence of the country, that prerogative should be exercised in a constitutional manner, by legal enactment, to obtain the successive service, for a limited period, of seafaring men on board Her Majesty's ships in time of war, without distressing the mercantile marine; but, on the contrary, a fair and legal machinery being established, that service would cheerfully contribute to a force, on the efficiency of which its own existence must depend. Now, what would take place on war being declared under the existing law? The dread of the pressgang would drive thousands of our best seamen to foreign service—not the dislike to the Navy so much, as disgust and apprehension at the method of compulsion. Well, you would have the bounty—a most vicious and expensive method, which would lead to an outlay of a million in the first year of the war. The merchant service would outbid you, and you would fall back on the pressgang. I have great doubts whether you could impress men as you did last war. The opinion of the country would rise against you as one man, and compel you to a more constitutional course; but in the interim your fleet would be lying idle, and the demagogue and political agitator would be sowing the seeds of discontent, and paralysing your energies. Seize time, then, by the forelock, and now, in profound peace, enact a wise and practicable law, which would enable you to meet war without doubt or apprehension. I will now explain the system which I would substitute for impressment; but I must premise that I think the Board of Admiralty are those whose duty it is to take the initiative, and who, from their experience and the means of information they possess, are better qualified than myself to originate a plan. Upon the declaration of war, the Crown would, according to the emergency of the case, issue a proclamation specifying the term of years for which all seafaring men should be called on to serve. Every seaman should be liable to be balloted four times in each year; and after serving the time specified in the proclamation, he should be entitled to a protection, unless the continuance of a war should necessitate the proclamation of a further term. The register ticket, which would also exhibit his claim on the Merchant Seamen's Fund, should bear a stamp of ballot or protection, as the case might be. Ballot on shore would take place at the shipping offices, and afloat on board merchant ships, both at home and abroad, conducted by a commissioned officer from the man-of-war requiring men, under stringent regulations, not to distress shorthanded ships. In this manner I assume that 25,000 petty officers and seamen would be obtained from the merchant service. I would make the Navy so justly popular, that the remaining 20,000 would be furnished by volunteers. Not much remains to be done to effect this, so greatly has the condition of the seaman been improved during late years. For instance, the increase and better quality of his provisions, by the abolition of banyan or meatless days; regular supplies in harbour of fresh beef and vegetables; salt meat and bread of very superior quality; preserved meats for the sick, with the best medical attendance and stores; cheapness and better quality of slop clothing; more accommodation between decks, from the increased size of ships in each class, and height of lower deck; more frequent leave on shore; increase of wages 4*s.* 6*d.* per month since 1797; allowance abroad of one-third of pay; good service badges and reward money now extended to able seamen. Add to this, diminution of corporal punishment, and their morals, health, and comfort more cared for. I believe that the present as well as the late Board of Admiralty have been most anxious for the welfare of the seamen; but still it is a fact that there have been occasions on which it has been most difficult to man ships when put into commission, and it is also notorious that a large proportion of our sailors have shipped in foreign services, more especially in that of the United States. There is a strongly prevalent but not well-founded opinion, that the men are better off in that service. I have taken some pains to ascertain the comparative scales of wages, pensions, and provisions, in the two services. They are from official sources, and, I believe, correct:—

COMPARATIVE SCALE OF WAGES IN BRITISH AND AMERICAN SERVICES.

British.	£	*s.*	*d.*	*American.*	£	*s.*	*d.*
Warrant Officers.				Warrant Officers.			
1st Class...91*l*. per an.				1st Class..140*l*. per an.			
2nd Class...71 „				2nd Class..125 „			
3rd Class...61 „				3rd Class..105 „			
1st Class Petty Officers	2	12	0	1st Class Petty Officers..4*l*. &	3	15	0
2nd Class ditto	2	8	9	2nd Class ditto	3	2	6
A. B.	1	16	8	A. B.	2	10	0
Ordinary	1	8	2	Ordinary	2	1	8
Landsmen	1	5	0	Landsmen	1	17	6

Per calendar month.

After 21 years' service, a pension of 10*d.* a day. Should he continue in the service, he will receive it in addition to his pay, and entitled, on discharge, to an increase varying up to 1*s.* 2*d.* a day—Greenwich Hospital.	No pension for service. An asylum at Philadelphia, but not to be compared to Greenwich.

COMPARATIVE SCALE OF PROVISIONS ALLOWED IN THE BRITISH AND AMERICAN SERVICES.

British.		*American.*	
Biscuit	1 lb.	Biscuit	14 oz.
Spirits	¼ pint	Spirits	¼ pint
Fresh Meat	1 lb.	Fresh Meat	1¼ lb.
Vegetables	½ lb.	Vegetables regulated to equal articles for which substituted.	
Sugar	1½ oz.	Sugar	2 oz.
Chocolate	1 oz.	Cocoa	1 oz.
Tea	¼ oz.	Tea ¼ oz., but as a substitute for cocoa.	

Salt Meat.

Salt Beef	¾ lb.	Salt Beef	1 lb.
Flour	¾ lb.	Flour ½ lb., ¼ lb. raisins	
Salt Pork	¾ lb.	Salt Pork	1 lb.
Peas ½ pint, with 1 lb. raisins, 1 lb. flour.		Peas	½ pint

Substitutes in both Services.

Soft bread, sago, rice, beer, coffee, vinegar. butter, cheese.	Butter, cheese, dried fruits, pickles, mustard, vinegar.

It will be seen that in the scale of provisions there is no material difference; in that of wages those of the United States are much higher; but, on the other hand, they have no pension for long service, no good-service reward, and no institution which can be compared to Greenwich Hospital. There is also much abuse in the distribution of their slops; so much so, that petty officers and men are frequently in debt to the purser the whole amount of pay due to them on their discharge. Their comforts are not equal to those of our seamen; for instance, they have no mess tables, but take their food off the deck; the discipline is more irregular and severe—the practice of dry-starting still existing there. I have lately visited American men-of-war, and found more than half the crew were British, but they were a very inferior class of men. Yet I think that a moderate increase of wages in our service would be a fair and prudent measure. I would make up the first-class petty officer's pay to 3*l.* per calendar month, the second class to 2*l.* 10*s.*, the able seaman 2*l.*, the ordinary seaman to 1*l.* 10*s.*, and landsman to 1*l.* 5*s.* I would give a pension at the end of fifteen years, to increase 1*d.* a day each succeeding year for an indefinite period of service. I would restore the pension of warrant officers' widows to the footing on which they stood previous to 1830. I believe this would be a measure both of justice and sound policy. The warrant-officer is, or ought to be, a man superior to his shipmates in character, conduct, and ability. Strong inducements should be held out to men of the first stamp to seek this station, which we know is often refused by the best petty officers. There is no incentive to duty so strong in minds of a high order as the knowledge that they are toiling for those whom they love. This feeling is the true chivalry of civilised life. It will make a man face danger with a cool courage, wounds and disease without repining, and the passage to death as a debt due to the country which cherishes those dearer to him than the life he lays down. I would also suggest a better method for the distribution of prize money. I think Government should take it in their own hands, thus affording more facility and security to seamen advancing their claims; for it is notorious that at present, from the bankruptcy of agents, they frequently lose it, and from the delay in payment, their absence on foreign stations, loss of papers, and ignorance of business habits, they do not obtain what is due to them. This, Sir, is no party question. The officers and men of Her Majesty's fleet are of no political party. There was a time, indeed, during the last century, when faction found its way on board our ships amongst officers of the highest rank, distracting their councils, and paralysing their energies, even in the hour of battle. But Nelson laid the evil genius. The pure example of his generous spirit and patriotism without alloy, banished it, I trust, for ever from the fleet; for, with a legacy of undying glory, he left a password to the Navy, that to serve our country with undivided zeal and energy is to do our duty.

ADMIRAL BERKELEY cheerfully admitted that his hon. and gallant Friend had brought forward the subject in a fair and candid spirit; but he could, at the same time, assure him that not only the present but preceding Boards of Admiralty had taken it up in the same spirit as he had introduced it. He was further proud to say, that owing to the improved arrangements in the naval service, the number of desertions were daily decreasing, and were now so few that the smallness of the number was really wonderful, compared with the desertions of a former period. With respect to the mode of manning the Navy, he assured his hon. Friend that the present Board of Admiralty, as well as preceding boards, had taken the greatest pains to have a reserve in hand, and that that reserve could be made use of whenever the Government thought proper. With respect to impressment, he had endeavoured to trace the objections of the men to it, and he had been able to find only one petition from them against it. That petition was presented in 1760, and he had no doubt that the same spirit animated them now which animated them then. That petition wound up by stating that if it could be shown that impressment was the only mode of manning the Navy, so anxious were they for the honour of the country, they would submit to it without a murmur. He himself neither desired impressment, nor thought it necessary; but, should the necessity ever arise, he was satisfied that British seamen, sharing the sentiments he had just cited, would willingly bow to it.

Subject dropped.

SUPPLY—EXPENSES OF COMMISSIONS OF INQUIRY.

MR. J. STUART said, that he had given a notice to call the attention of the House to the return (No. 669), of 1848, of the number of Commissions of Inquiry appointed since 1830, and the expense of each. No doubt the hon. and gallant Member who moved for the return, intended that it should afford authentic information, not only of the commissions, but of the expenses of those commissions. The order of the House required, not only that the expenses generally should be stated, but all incidental matters, such as the members, the officers, and clerks. It appeared by this return that no fewer than ninety-one Commissions of Inquiry had been issued by the successive Governments of this country between 1830 and 1848. It appeared, moreover, that, according to this return, the expense to the country of these Commissions of Inquiry had been above 638,000*l.* That would appear to be an enormous sum; but he was sorry to say that by reference to documents more authentic, from their nature, than this return, contemporaneous with this return, containing information extracted by examination from individuals before Committees of the House, the statement of 638,000*l.* as the expense of these commissions, was not one-fourth of the expense to which the country had been put. He was anxious to call the attention of the Government to this subject, because when the hon. and gallant Member, who moved for the return, had obtained an order for the continuation of the return, there should be some greater degree of care and attention bestowed upon the returns. In 1838 a commission was issued on tidal harbours. That commission might have been of great utility, and he found it stated that the expense of the commission was 1,779*l.*; but when he turned to the report of the Committee on Miscellaneous Expenses, he found that for this commission alone the printing was for the three years 5,117*l.* He attributed no ill faith to this return; he attributed to it carelessness and gross inaccuracy. In 1845 a commission was issued with a very peculiar object in its inquiry; it was called, "The Metropolitan Railway Termini Commission." The modest sum of 502*l.* was stated as its expenses in this return. 502*l.* seemed not to be much; but he had looked at the report of the Committee on the Miscellaneous Expenditure, and he found that instead of 502*l.*, for the two years' printing of this commission, 2,857*l.* was paid. So gross a degree of carelessness, such extraordinary inaccuracy, ought not to be passed over without the notice of the House. It would be found in the report of the Committee of Miscellaneous Expenses as to the various expenses attending these Commissions of Inquiry, that the result was that, instead of 638,000*l.*, the country had been put to an expense of 2,000,000*l.* by these Commissions of Inquiry. One of the witnesses who had been examined stated that these Commissions of Inquiry were one great cause of the expense of printing for which the House voted from year to year, without attending to the way in which the large sum was applied. The witness stated that the great expenses of printing were wholly occasioned by new Commissions of Inquiry, and he added that he should not be surprised if the sanitary printing was to come to 60,000*l.* He called the attention of the Government to these matters, presuming that that was all that was necessary to remedy these enormities.

COLONEL SIBTHORP was very glad his hon. and learned Friend had drawn the attention of the House to the subject. He (Colonel Sibthorp) had moved for the production of the return referred to; but he confessed that, now it was on the table, it was very difficult to know what really was the expense of these commissions. He did not suppose that this and other returns were made out wilfully incorrect, but it was evident that there was great carelessness in not showing the House and the public what expenses really were incurred. He had no doubt as to other commissions being asked for, which would cause a great public expenditure, if his hon. Friends and himself did not persist in exposing the system, and insist upon having a full explanation of the expenses.

Sir F. T. BARING said, he ought perhaps to apologise for the absence of his right hon. Friends and Colleagues on that occasion, but they were certainly not aware that this question would have been brought forward. With reference to this return itself, he apprehended that the gravamen of the complaint made by the hon. and learned Member for Newark was, that the expense of the printing was not included in it. [Mr. Stuart: And the stationery.] The printing and stationery. [Mr. Stuart: And the clerks.] Well, if the expense of the clerks was omitted, it certainly would imply some incorrectness in the return. With respect to the stationery, there was not a separate account kept of it as regarded each department of the public service, but an estimate was made every year of the probable quantity that would be required by each. With reference to the printing, he could not but admit that it was a heavy expense; but he was informed that regulations had been issued by the Treasury, in conjunction with the Home Office, for putting these matters, as regarded the printing at all events, on a better and more economical footing. Perhaps, when the miscellaneous estimates should be brought forward, the hon. and learned Member would introduce this subject again, and then those of his Colleagues to whom the subject more particularly related would be there to give such explanations as might be required.

Subject dropped.

Main Question put, and agreed to.

NAVY ESTIMATES—1. NAVAL STORES.

House in Committee of Supply.

Sir F. T. BARING said, that the Votes that would be proposed would include, in the total amount of each, the original as well as the supplemental estimates. He should now propose that there be granted to Her Majesty the sum of 883,999*l.*, to defray the charge of naval stores, building and repairs, outfits of fleet, &c.

Mr. COBDEN said, that his hon. Friend the Member for Montrose (who was absent) had given notice of an Amendment on this vote, which he presumed he would move on some future stage of the estimates. He (Mr. Cobden) thought that the practice of appointing the first day after an adjournment of the House for going into these Votes was not only an inconvenient system, but ought to be put an end to. He belonged to two important Committees upstairs; and it was there agreed, that as all the Members were not likely to be in town immediately after the Whitsuntide holidays, the Committee would not resume their sittings till Monday next. He had observed that the Government systematically named the day on which Parliament assembled for voting large sums in the estimates; and if such a course were persisted in, the House ought to resist it by a vote. At the present it was not the intention of his hon. Friend to divide the Committee.

Sir G. PECHELL thought that at least this vote ought, under the circumstances, to be postponed; and fully agreed in the remarks of the hon. Member for the West Riding. With respect to the vote itself, various ways had been pointed out for the reduction of our expenditure, whether in the Naval or any other department. The hon. Gentlemen on the opposite side would not admit that the Army and Navy should be exposed to a reduction such as was comprised in the financial plans of the hon. Member for the West Riding; but if not, let them, then, see whether the efficiency of the Navy could not be kept up consistently with the reduction of votes like this. There was a large class of vessels now kept in ordinary at considerable expense; he meant the class of vessels from 28 to 44 guns, which would be of no use in any future war, and ought to be put up to auction, and got rid of. But if they still preferred to keep these ships in ordinary, at so great an expense, at all events they might reduce the expense and cheapen the system of caulking them. As to the cost of building ships, too, there was no comparison between the cost of building in our dockyards and in private yards. For example, the *Waterwitch* brig, built by Messrs. White of Cowes, after several years' cruising, was sold, a most efficient vessel, to the Government for 12*l.* a ton; while the cost of vessels built in the dockyards reached 20*l.* a ton. The next point was the consumption of coals. They never saw a steamer using her sails; but, in cases where there was not the least necessity for haste, up went their steam, though wind and tide might be favourable. A saving of 20*l.* a day might be effected in some of the dockyard ports by a little attention in this matter; and if the port admiral were to make a weekly return of the consumption of coals, there would be much less smoke raised in future. He trusted his right hon. Friend at the head of the Admiralty, who, he sincerely believed, had the interest of the service as well as its economical management at heart, would take his remarks in good part, and give his attention to the points to which he had ventured to refer.

Sir F. T. BARING regretted that the hon. Member for Montrose had not been aware of the firm intention of Government to bring on the Navy Estimates that night, and consequently was not present; but, at the same time, the hon. Member must have been quite aware of the course Government intended to pursue respecting them. He could assure the House he did not find it very agreeable to bring on the estimates the first day after the holidays; but any one present at five o'clock could not say there was not an ample attendance of hon. Members. It was scarcely fair, in talking of a large expenditure, to omit to state that a reduction of 390,000*l.* had taken place in the vote as compared with former years. He was happy to state that a reduction had taken place in the sum for coals, as compared with the cost last year, of not less than 54,000*l.*; and very stringent regulations had been issued by the Admiralty respecting the issue and use of fuel. He believed the hon. Member for Brighton was not an advocate for building men-of-war in private yards. [Sir G. Pechell: Not altogether.] The case of the *Waterwitch* did not offer a fair comparison; because she was purchased second-hand, and never was built at the cost stated, and there was, of course, considerable difference in the price of a new vessel and of one some time in service.

Mr. FITZROY asked on what ground so large a reduction was estimated in the cost of coal. He also wished to know whether any steps had been taken for the speedy coaling of our steamers. The subject was one of great importance, and had been under the consideration of the former board, and he hoped to hear some method was in view for obviating the difficulties of providing steamers with fuel in cases of pressing urgency.

Sir F. T. BARING explained that the reduction was caused by the decreased consumption at the different yards, and by the coal being contracted for at lower prices. The mode of fuelling had also caused a reduction, and it was hoped some further improvement might be made on the present method.

Mr. DISRAELI was anxious to express his concurrence in the objections taken by the right hon. Baronet to the course proposed by the hon. Member for the West Riding. He did not agree with that hon. Member that it was inexpedient to proceed with important business on the first day Parliament met after a recess. His opinion was that, if it were understood that important business would be brought on, the attendance of Members would be more numerous, and it was no greater hardship upon one more than upon another. He regretted the absence of the hon. Member for Montrose, which was the more remarkable, perhaps, because it was so rare an occurrence. In the absence of that hon. Member, his supporters ought not to postpone the Motion of which he had given notice, because there was now a possibility of its being carried, which there would not be if the financial reformers were all present.

Lord J. MANNERS said, that as it had been announced that the hon. Member for Montrose would divide, on some future occasion, upon the Motion to which they were just about to assent, it would perhaps be better not to oppose the vote now.

Vote agreed to.

(2.) New Works at Devonport.

Motion made, and Question proposed—

"That a sum, not exceeding 339,839*l.*, be granted to Her Majesty, to defray the charge of New Works, Improvements, and Repairs, in the Naval Establishments, and for a new Dock and Engine House at Devonport Dock Yard, which will come in course of payment during the year ending on the 31st day of March, 1851."

Sir W. MOLESWORTH said, that as a Member of the Committee on the Naval Estimates, he felt it his duty to object to the part of the vote which referred to Keyham docks. The expense of those works had been going on increasing year after year, and the Committee had agreed they ought not to have been undertaken. There was now a proposal to give 120,000*l.* for the docks at Keyham, and a further sum of 20,000*l.* was set down for works at Bullpoint, which had been rendered necessary to protect the docks. He thought those works ought to be stopped at once, and therefore proposed a reduction in the Vote to the amount of 140,000*l.*

Afterwards Motion made, and Question proposed—

"That a sum, not exceeding 199,839*l.*, be granted to Her Majesty, to defray the charge of New Works, Improvements, and Repairs in the

Naval Establishments, and for a new Dock and Engine House at Devonport Dock Yard, which will come in course of payment during the year ending on the 31st day of March, 1851."

Sir F. T. BARING said, that the utility of the docks at Keyham had been so fully discussed it was hardly necessary for him to enter upon the question again. Though the Committee had expressed a doubt as to the propriety of commencing the works at all, they thought it would be inexpedient and unwise, having already expended such large sums, not to complete them; and, as far as his recollection served him, they recommended that the works should go forward gradually; and, with reference to the engagements of Government, that recommendation had been strictly followed, and it would be very unwise to stop works which would be useful in case of war, and to throw away upwards of 500,000*l.* already expended on them.

Mr. PETO agreed that the works ought not to be stopped altogether, and he recommended that the vote now proposed should be granted, which would effect the most useful part of the plan, and then the works might be stopped. But in respect to the factories for building and repairing steam machinery, he really thought the Government ought to pause before proceeding with that portion of the design, for they could be at once better and more cheaply supplied by the great engine manufacturers on the Clyde and the Thames.

Mr. COBDEN objected to the proposal to lay out 150,000*l.* to complete the basin. It should be recollected that the basin would never have been made at all had it not been intended for the use of the factory. It appeared that the Government could not make their steam machinery without these enormous basins, but the manufacturors could; they had only a sea wall, from which they put the boilers on board the vessels. But the Government must do everything in such a magnificent way that they must have basins. In voting the 150,000*l.*, they would be voting for one step only in the whole process. He was not aware that the Government had submitted any new plan since the last report. But the sum of 150,000*l.* was not all. The Committee had reported that when the factories were completed, 80,000*l.* would be required for the wages of the workmen to be employed in them, and for their tools and instruments 20,000*l.* more. Then would come the outlay for keeping the machinery in repair. And all this was for an establishment which the Committee had pronounced useless, and would not have recommended at all had it not been begun; and the question practically was, whether they would incur an annual expenditure of 100,000*l.* for wages and tools. The right hon. Baronet the First Lord of the Admiralty said these works would be useful in time of war; but he contended that if that time should come, there were factories and basins in existence adequate to answer any call. He should support the Motion for stopping the works.

Mr. PETO said, that all he was anxious about was, that the Government would promise not to begin the factories for steam machinery until circumstances had proved them to be actually necessary.

Sir F. T. BARING said, that not one farthing was taken on this vote for factories or machinery, or for anything beyond the basins; and that nothing would be done in respect to factories or machinery without the subject again coming before the House.

Admiral BOWLES defended not only the basins but the factories; as, without them, the Government would have no place to repair and refit its steam navy. It was of vital importance to England, as a maritime power, that there should be a steam basin at Plymouth.

Mr. M'GREGOR was disposed to take the same view of the subject as the Government. He was of opinion that the docks at Deptford, Sheerness, and Newporthaven might be dispensed with, and that the requirements of the country might be satisfactorily met by there being four docks only, one at Woolwich, another at Chatham, a third at Portsmouth, and a fourth at Devonport. He would support the present vote, inasmuch as it was intended to defray the expense of works which were in progress of completion.

Mr. BRIGHT wished to call the attention of his hon. Friend the Member for Southwark to the circumstance that 120,000*l.* was the sum which Government required for the present year; that the other expenses referred to were not now to be incurred; and he hoped, therefore, that the hon. Baronet would not think it necessary to divide the Committee. He agreed with his hon. Friend the Member for the West Riding as to the Government factories; for England was not in that respect like France, or any of the continental countries, as the French Government, if they wished to build steam ships, must do so for themselves, inasmuch as they could not have recourse to such private establishments as England possessed on the banks of the Thames, the Clyde, and the Mersey, where fleets could be produced and fitted out in much less time than any Government could build them.

Sir F. T. BARING stated, that Government were not now about to make any demand for factory building. It was not his practice to state in one year what he intended to do in the next. The factories which the Government at present possessed were capable of meeting the demands upon them; therefore nothing would be done with the factories this year, and nothing whatever done until after the matter came regularly under the notice of Parlirment.

Mr. CORRY reminded the Committee that the factories existed not for the construction but the repair of steam vessels. It was essential for the safety of the country that the steam navy should have facilities of repair at certain intervals along the coast, when they could not enter either the Thames or the Mersey without inconvenience and loss.

Mr. COBDEN said, that the Government ought to confine themselves to the repair, and not engage in the construction of boilers. He thought, that as they had now steam basins, docks, and factories, which would enable them to repair between 100,000 and 200,000 horse power, and the total horse power of the steam navy did not reach anything like that extent, they had made pretty good provision already for a time of war. The Select Committee had been told by persons connected with the public dockyards that boilers could be made in those establishments at less cost than by private persons. The mode of taking stock pursued by these public servants, however, differed widely from that adopted by private individuals, for the former made no account of the interest of money, wear and tear of machinery, or the cost of the plant and establishment. He considered that the boilers required for the public service could be obtained from private individuals at less expense than they could be manufactured in the public establishments, and he therefore thought the Government ought not to continue the manufacture.

Captain HARRIS said, if the hon. Member for the West Riding looked at the expense to which the country was subjected during the last war by contracts for building ships, he might perhaps come to the conclusion that the soundest policy and the best economy was to maintain public establishments of this kind.

Sir W. MOLESWORTH said, that, as he understood the First Lord of the Admiralty to say that nothing would be done with regard to the factory buildings till the subject was brought under the consideration of Parliament next year, he would not press the Amendment.

Motion, by leave, withdrawn.

Original Question put.

Vote agreed to; as was also

(3.) 27,680*l.* for Medicines and Medical Stores.

(4.) Miscellaneous Services.

Motion made, and Question put—

> "That a sum, not exceeding 175,698*l.*, be granted to Her Majesty, to defray the charge of divers Miscellaneous Services which will come in course of payment during the year ending the 31st day of March, 1851; also, for divers Miscellaneous Services connected with the Searching Expeditions under the command of Captain Penny and Captain Austen."

Mr. COBDEN said, the estimate contained an item of 100,000*l.* for bounty allowed for the capture or destruction of enemies' ships of war and of piratical vessels. He thought the Committee ought to have some explanation on this subject.

Lord D. STUART observed that the vote had increased enormously, for last year it was only 20,000*l.*

Sir F. T. BARING said, the money was requîred for paying the bounty or head money given for the capture of pirates. He could give the House details of all the particular transactions relating to the capture of pirates, but as the accounts had appeared fully in the newspapers, he thought it was scarcely necessary now to go into them.

Mr. COBDEN expressed his desire to have some information with respect to the pirates, in order to ascertain whether they were really pirates. He doubted very much whether this demand for head money was legal, because he believed the Act for the supression of piracy did not apply to the present description of cases. The best proof of this was to be found in the circumstance that the first Act of the Government in the present Session was to repeal the existing law which authorised the payment of head-money. He would like the Committee to consider for a moment the circumstances under which this money was demanded. A gentleman named Brooke, who was sometimes styled Rajah Brooke, became possessed, by means which he would not now stop to describe, of a district of country north-west of the coast of Borneo. He had certain disputes with his next neighbours, whom he was pleased to call "pirates." Now, these people were just as much pirates when Sir J. Brooke knew them as they had ever been before. They were tribes who had been in a state of predatory warfare with each other for many years, but they had never attacked us or any of our vessels. This was the real point at issue. No English vessel had ever been molested or assailed by those pirates. He denied altogether that acts of piracy had been committed against our vessels in the India Archipelago, and he appealed to Lloyd's to show that there was no increased charge for assuring vessels trading in the Indian seas. The history of this massacre of "pirates," for he could call it nothing else, was simply this:—The hostile tribes against whom Sir J. Brooke made war were engaged upon business of their own, and had no intention whatever of attacking us. Sir J. Brooke, however, engaged the services of a ship-of-war and two smaller vessels, and lay in wait at the mouth of a river for the prahus of the natives, which were merely open row-boats, and were not vessels of war. When the fleet of boats appeared in sight, Sir J. Brooke, without calling upon them to surrender, or in any way communicating with them, with the view of ascertaining what they wanted, fired a broadside into them of shot, balls, and rockets, and the unfortunate wretches were unable to make the slightest attempt at resistance or defence. The English steam-vessels of war were then driven among the boats, and the miserable creatures were crushed under the paddle-wheels, and annihilated by hundreds in the most inhuman manner. Some idea might be formed of the nature of the attack when not even one of our sailors was injured in the affray. Indeed, the attack reminded him more of a *battue* of sheep or rabbits than of honourable warfare. After this mighty feat of valour had been performed, they came to a Christian assembly, and demanded 20*l.* a head for slaughtering the unhappy wretches. There was no proof whatever that the men were pirates, and Sir J. Brooke himself admitted that the prisoners whom he had captured (and who, if they were pirates, ought to have been hanged), were treated by him with the greatest kindness and then sent home. He (Mr. Cobden) declared the men had been murdered, without one tittle of evidence that they had ever molested us, and that the evidence against them would not have been sufficient to convict for petty larceny. With regard to the charge which was made for destroying pirates in the Chinese seas, he believed the demand was an illegal one, because we had never been molested or interfered with by the so-called pirates. He, therefore, objected, on principle, to paying 20*l.* a head for killing people who had never done anything to us. He thought that the least the Committee might do was to delay voting this money until further information was before them.

Mr. DRUMMOND was not able to say why the Government repealed the statute; but when the hon. Member for the West Riding asked for proof of these Bornean pirates being really such, it was enough to say, let him look for any record of voyages or travels, printed or in manuscript, that called them anything else. Yet now we were to be told they were only innocent free-traders. They dealt in men and women to be sure; and their last act of trade, before they were attacked by Sir J. Brooke, was, that they seized upon a body of persons who were really trading, and put them all to death. It was true they carried on war among themselves; the tribes upon the coast were of different nation and religion from those in the interior, who were able to trade, but these pirates would not let them. What was the proof of their being pirates? The judgment of every competent court; and the House of Commons was not fitted to set aside the judgment of the courts in Singapore and elsewhere. Because Sir J. Brooke was carrying on most successfully and meritoriously a most thriving colony, which a certain person wanted to turn into a matter for his own aggrandisement, taking shares and making Sir J. Brooke a joint jobber with him, that man had been an anonymous slanderer of Sir J. Brooke for the last three years, and that was the truth of the matter. As to our having no right to attack persons unless they were pirates against our commerce, why then did we send Lord Exmouth out some years ago against pirates who never touched any person sailing under an English flag? He (Mr. Drummond) hoped there would be an opportunity hereafter, as was promised, of going into the matter fully, when Sir J. Brooke's salary should be before the House.

Mr. COBDEN said, the hon. Member

for West Surrey was speaking of a different set of tribes from those he had alluded to. He spoke of Labuan, but Sir J. Brooke did not live within 300 miles of that place; he was living on his own property in the equivocal character of a rajah, and receiving 2,000*l.* a year from the Government as Governor of Labuan, and 500*l.* as consul to his own court. They had besides appointed a deputy governor at 1,200*l.* a year, and the whole island was in confusion because the Lieutenant Governor had misconducted himself in the absence of the Governor. The hon. Gentleman would not tolerate jobs in England, and he hoped he was not going to tolerate them in Borneo. He had no personal hostility to Sir J. Brooke; he never saw him in his life; he had never come into contact with him; but he had a right to speak of him on public grounds when he was called on to vote away the money of his constituents. He had a right to speak of him when he was called on to vote 100,000*l.* where no grounds had been shown for the claim, and where these pirates, if pirates they were, were only disputing amongst themselves.

Mr. DRUMMOND said, that it was very probable that the depredations of these pirates extended over 300 miles, because they had large deep rivers, along which they sailed.

Mr. COBDEN said, that Labuan was at the extremity of the island, and Sarawak was at the north-west coast, and a person must go by sea to get there. He was not going to let the hon. Gentleman off that way.

Mr. PLOWDEN said, that having been for sometime in China, and having some acquaintance with the subject under discussion, he hoped the House would allow him to make a few remarks. He had been in the China sea in the year 1809 or 1810, and at that time a piratical fleet infested the whole southern coast, and spread dismay in every quarter. They did not confine their atrocities to the Chinese, for they attacked English and American vessels. One of the most trifling punishments which they inflicted was to tie the hands of their victims together, and pass a rope through them, and haul them up the mast. He went on board Her Majesty's frigate the *Dœdalus*, commanded by Capt. Bell, which was then in these seas, as an amateur, in order to assist in destroying these pirates. They were requested to escort some vessels up the Canton river, and they disguised the frigate as a merchant vessel, in order to induce the pirate boats to come out. They did come out, and attacked them, and, of course, a very formidable fire was opened upon them. He was sorry to say, however, that it was ineffectual, because the boats soon got into shallow water, where the frigate was not able to follow them. They enabled the vessels, however, to get up the river. On another occasion a sloop of war, commanded by Capt. Wells, son of Admiral Wells, having lost her foremast, hoisted the usual signal for a pilot, the union-jack, whereupon one of the hon. Member for the West Riding's honest traders decoyed Capt. Wells into a fleet of about 40 piratical junks. The sloop, however, was furnished with very heavy metal, and gave the pirates a tremendous thrashing. The punishment inflicted on them had a good effect, for their leader afterwards declared that he would never again attack the British. Such was a brief outline of what they were in the China Sea. Now, with regard to the Malay pirates, the House would remember that the Malay pirates infested the whole of the Archipelago, and were of a most atrocious character. The House must recollect their conduct on the occasion of Lord Amherst's embassy, when the *Alceste* was wrecked. Nothing but the most determined valour on the part of British seamen could have protected them on that occasion from falling into the hands of these merciful people. The hon. Member for the West Riding said, that these boats were plied by oars, but he begged to tell the hon. Gentleman that they had large decks, and that they carried cannon also. When Captain Bell commanded the *Samarang* in these seas, he was attacked while he was at dinner by some of these tribes, of whom it was very likely the Dyaks formed a portion. No less than 19 of his men were killed, and Captain Bell and his first lieutenant were wounded. He, however, put down the pirates, and of those whom he had taken he tied the hands together; he put shot into their stomachs and threw them into the sea.

Mr. BRIGHT said, that it must be matter of regret to observe that every particular case of suffering, cruelty, and atrocity mentioned by the hon. Gentleman had been received with great cheering and laughter by hon. Gentlemen opposite. Now the statements of the hon. Gentleman appeared to have no bearing whatever on the question before the House, or if they had anything, told in favour of the view which he and his hon. Friend near him took. Hon. Gentlemen opposite accepted the speech of the hon. Gentleman in favour of the vote; but he had not communicated a single fact which came nearer to their own times than 1810. [Mr. PLOWDEN: 1816.] He would give the hon. Gentleman all the advantage of the additional six years, but it could be no satisfaction to them to vote 100,000*l.* for 5,000 lives taken away at the rate of 20*l.* per head, that the hon. Gentleman was able to give them some anecdotes of what took place so far back as 1810. Was the fact of certain matters having taken place some forty or fifty years ago to be taken as a proof of circumstances now supposed to be passed or passing on the coasts of Borneo and China? The House would do well to look into this matter. This vote of 100,000*l.* represented 5,000 persons or pirates slain and estimated at 20*l.* a head. Now he wanted to know from the First Lord of the Admiralty whether any information whatever of an accurate character, or even approaching accuracy, had reached the Government so as to justify them in submitting this vote to the House. Neither in the estimates, nor in the statement of the right hon. Gentleman, was the least ground alleged so as to justify the House in agreeing to the vote. He was afraid the right hon. Gentleman knew nothing about the matter; for never in his recollection had a vote of such an amount been accompanied with so bold and unmeaning a statement as that which the right hon. Gentleman alluded to this vote. Was this 100,000*l.* decided upon in the courts of Singapore, Hong Kong, or elsewhere? If a trial had taken place in distant parts, was the evidence of such a nature as would satisfy the courts in this country? Had any evidence been laid before the Government here? If so, why did not the right hon. Gentleman lay that evidence before Parliament, when he came to ask them for so large a sum for so grave a matter as the slaughter of 5,000 assumed pirates? He hoped his hon. Friend would move that this vote be postponed until the Government consented to lay before the House the facts, data, and evidence on which they had the conscience to ask Parliament to vote this enormous sum, Whatever the Goverment might think of this subject, the public were horrified at the narratives of the atrocities which had been committed, although the accounts came from persons who were interested in making the case wear the best aspect. His hon. Friend did not say that all these persons were innocent traders. What he said was that there were probably innocent traders amongst them. He said that many of them were smugglers, but that there was no proof whatever which would satisfy any court in this country, on the most flimsy charge, that these persons were pirates. Now when he recollected that that House had prayers read every day at that table—when they recollected thet they were a Christian Parliament, and that they professed day after day, as he heard hon. Gentlemen opposite profess, great respect for religion in connexion with the State—and when, notwithstanding this, he found them voting rewards for the slaughter of 5,000 human beings, without one particle of evidence that the men they slaughtered were guilty of any crime—he declared that he could not conceive how any Parliament, much less a Christian Parliament, could do this without —he would not use the words that suggested themselves to him—but without bringing everlasting disgrace upon them.

SIR F. T. BARING said, that the speeches of the hon. Members for Manchester and the West Riding conveyed a certain amount of censure on the gallant officers engaged in the expedition; and he should be glad to know whether these gallant officers, who had been executing a disagreeable and painful duty, deserved to be stigmatised? He thought there existed considerable misunderstanding in the minds of hon. Gentlemen as to how the reward was estimated. By the operation of a certain Act of Parliament a certain sum of money was allowed as head money. That Act rendered it necessary that the applicants should go before a court of justice and prove that the parties with whom they had been engaged were pirates, and therefore in every case before money was paid, the parties were bound and required to have a decision of a court of justice that those against whom they acted were pirates. He thought the House could not have better security than that; and, in his opinion, a court of justice, after hearing evidence in a case, was much more likely to be a sufficient tribunal than that House. Now, it so happened that in the first application which occurred, they had a report of what took place on the occasion. Sir C. Rawlinson, who tried the case, said he must be satisfied that the parties had been pirates, and he decided on having further evidence of that fact before issuing an order. Inquiry accordingly took place; he heard the evidence, and then decided that the proof was sufficient as to the nature of the parties for whose destruction remuneration was claimed. The evidence taken on that occasion had been forwarded to Government, and he had then extracts from the confession of a Bornean pirate before him, who declared in evidence, on the occasion in question, that rapine and plunder had been the object of his associates. He (Sir F. Baring) therefore thought that the decision of an English lawyer should carry more weight in that House than the slanders circulated against the officers. Then there was also an opinion that should not be overlooked in the matter, namely, that of the commercial body in the neighbouring countries, in support of which he would quote the address of the merchants and traders of Singapore to Sir J. Brooke. But, independent of all these things, there should be some allowance made for the characters of members of an hon. and gallant profession, who had onerous duties to perform, and who, whatever other slanders might be urged against them, were never open to the imputation of inhumanity. He trusted that the House, if pressed to a division, would exhibit the sense in which they entertained the question.

Colonel SIBTHORP said, that it was seldom he agreed with or supported Her Majesty's Ministers; but upon the present occasion he could not but do so. However, after what had fallen from the hon. Member for the West Riding, he did not expect that either the case made out by the First Lord of the Admiralty, or that by the hon. Member for Newport, would satisfy either the hon. Member for the West Riding, or his man Friday, the hon. Member for Manchester. He did not know how many innocent free-traders might have been amongst those pirates. There might have been a great number. But it was high time that that mistaken out-of-doors feeling of humanity for pirates should be put a stop to. There was cruelty enough practised by the free-traders at home to those unfortunate persons who were in their employ, and they should begin by putting a stop to that.

Mr. COBDEN said, he blamed the service, not that they had done these deeds, but for having done them without order. He wished to ask if he were correct in saying that the Admiral on the station issued the orders of which he (Mr. Cobden) had spoken, and which had been confirmed at home, to the effect that British ships-of-war should not kill natives under the plea of piracy unless they had attacked English vessels. He wished to know if that were correct?

Sir F. T. BARING said, that the ships engaged were sent specifically for that purpose. As to the parties attacked, he should say he did not exactly remember the words of the order; but his impression was, that the hon. Member for the West Riding had mistaken it.

Mr. COBDEN said, there was another reason why they should defer the question. It was a question that referred to the destruction of 5,000 human beings, and for which they were called upon to pay 100,000*l.* Now, was it not right that they should inquire if these 5,000 individuals were rightfully destroyed, and whether they were bound to pay the 100,000*l.*? They had not a single proof before them that the parties had ever attacked an English vessel. He did not mean to say that the men destroyed were all innocent traders; he admitted, on the contrary, that they were barbarians, savages, engaged in intertribal warfare; and if such were the case, he did not think they were bound to pay for the destruction of such savages, unless it could be shown that they had attacked English vessels.

The ATTORNEY GENERAL wished to bring the Committee to the point before them. They had really no discretion in the case, because there was a positive and imperative Act of Parliament, which said that after it had been adjudged that pirates had been destroyed, a certain payment was to be made. Sir C. Rawlinson had decided that these pirates were pirates. There was thus a judgment *in rem*—[Mr. Cobden: Where is it?]—which was final and binding to all intents and purposes. It was therefore a waste of time to pursue this discussion.

Lord J. MANNERS concluded that the hon. Member for the West Riding must be ignorant that any judgment had been given in this case; for when the Attorney General pointed out that such was the case, the hon. Member asked in an audible voice, "Where is that judgment?" The hon. Member for Manchester had ventured, because those on his side of the House had cheered the interesting statement of the hon. Member for Newport, to accuse them of being disposed to cheer every bloody sentiment. So unjust and absurd an averment only deserved to be treated with contempt.

Mr. PLOWDEN said, his statement was impugned because it referred to days gone by; but the very same kind of transactions were occurring at the present day. Gentlemen opposite had a meeting some six or eight weeks ago to discuss these questions; but he thought they would always on these occasions be the better by having Captain Aaron Smith among them.

Mr. COBDEN knew something of Captain Aaron Smith, who had himself been a most atrocious pirate. If a Committee were appointed to inquire, evidence could easily be brought forward to prove what the conduct of that man had been in the case of the *Cambria*, Captain Cook. It could be shown that Captain Aaron Smith, who was with a piratical ship in the Gulf of Mexico, took Captain Cook from his vessel, and carried him on board the pirate ship, where he was tied to the mast and wounded in such a manner by the crew that he still bore the marks upon his body. Captain Aaron Smith was tried for piracy. [An Hon. Member: And acquitted.] He was tried and acquitted; but he was not tried on Captain Cook's charge; and he (Mr. Cobden) would certainly believe Captain Cook before Captain Aaron Smith. His firm belief was, that this Captain Aaron Smith was all that Captain Cook had charged him with.

Lord J. MANNERS wished the Committee to observe, that the hon. Member for the West Riding asserted in the first place that those people had been unjustly put to death against whom Sir C. Rawlinson had pronounced judgment, and then he asked them to look upon Captain Aaron Smith as a pirate because he was tried and acquitted.

An Hon. MEMBER stated the case of a relative of his own, who served on the coast of Borneo, and who was attacked by those very people who were described by the hon. Member for the West Riding as innocent of piracy.

Mr. M'GREGOR said, that if he had sufficient confidence in the judgment of the Court of Singapore, he should support the vote, but because he had not, he should oppose it. The ships belonging to his own constituents were as much exposed to piracy in the East as those of any other port; yet he would defy any one to bring forward a case in which one of them had been attacked; and he would even extend the remark to ships trading from the Mersey and the Thames. By passing that vote, they would sanction a crime. It was with great reluctance that he opposed any vote brought forward by the Government; but he could not support the vote now under consideration. He believed the time would come when Sir J. Brooke would be tried in this country for the massacre, and that Gentlemen, at the next election, would hear more on this subject than they would desire.

The O'GORMAN MAHON scarcely expected, after such statements as those made by the hon. Member for Newport, that the vote would have been opposed; least of all did he expect that the friends of peace would charge any person in that House with having received with acclamation those statements, as wanting Christian feeling, and as the rewarders of murder. He deprecated such attacks as unworthy of the character which that House ought to maintain. Gentlemen might dispute the fact of pirates existing in those seas; but he believed the brother of a Member of that House—the brother of the hon. Member for Crickdale—had lost his life during the last eight months by an attack of these pirates. The rewards they proposed to give were not for the murder of 5,000 pirates, but for the protection of millions of the human race.

Colonel THOMPSON still remained unconvinced that any English vessel or subject had been molested by these so-called pirates. He would go further and say, he believed there was not a jury in the land that would not return upon their oaths that there had been no such thing. They were manifestly petty tribes warring upon one another after their own way. He did not find any tangible attempt to state the name of any vessel or individual that had been attacked, and therefore he did not believe that any such thing had taken place. He did not think the hon. Member for Newport saw all the inferences that would be drawn from his own statement. He wished the hon. Member would repeat his statement, as it had been imperfectly heard. Since he declined, he (Colonel Thompson) would only request that he would stop him the moment he stated anything incorrectly. He believed he heard the hon. Member say, he knew an instance where a British frigate, in 1816, captured two vessel swhich were considered of the class of those now in question. The crews rose upon the frigate, and attempted to recover their vessels—no unusual event among any belligerents. A number of the frigate's people were killed in the contest which ensued; and when the struggle was over, the captain of the frigate—such had been the hon. Member's affirmation—ordered the survivors of the captives to be run up to the yard arms, and the wounded to have shot put into their stomachs and be thrown overboard. It was clear enough, after this, who were the pirates. He would merely ask, what would have been the comments if the case had been reversed. It was enough to make a man tear off the uniform he had ever worn in a service where such things were done. And those who did them were christened men, and would probably have been offended if any had called them infidels. But the public would judge between them, and it would be seen whether the opinion of the House or of the public would carry the day. He should particularly like to ascertain whether the transactions in China were in accordance with the orders on that station or not; and it behoved the House to know by whom those orders were contravened.

Mr. S. HERBERT had always imagined that piracy was a crime against the law of nations; and he did not know that it was necessary, in order to justify any nation in repressing piracy, that the persons who had been the victims of that crime should belong to that nation. But the hon. Member for the West Riding was so horrified at the crime which had been committed by a British officer when in pursuit of pirates, that he was not content that the victims of these pirates should have been perhaps some Portuguese crew; his humanity would not be satisfied unless the crew of an English ship had fallen victims to the atrocities of those piratical tribes. The whole opposition to the vote was founded upon misapprehension. If they thought the whole of these proceedings to have been unjust, they should either appeal (if it were possible) from the decision of the Court of Admiralty at Singapore, or move an Address to the Crown for the removal of Sir C. Rawlinson, for having made an unjust decision. But if neither of these steps were taken, then, in common justice, they could not refuse to allot to the officers the amount of the prize money which the Act of Parliament awarded him. But, dismissing that part of the case, he wished to ask a question of the Government, which he had no doubt they would be able to answer in a way perfectly satisfactory for the reputation of Sir J. Brooke. It was alleged that Sir J. Brooke was engaged in extensive mercantile speculations in Sarawak, while the piratical tribes which he had been repressing were principally in the neighbourhood of that locality. Now, even a clerk of 100*l.* a year in Ceylon was not permitted to have a coffee garden, because he should not be tempted to engage in mercantile speculations. This was a just regulation. It was, therefore, of importance that some Member of the Government should be able to state to the House, that the assertion which had been widely spread by the public press respecting Sir J. Brooke was entirely unfounded.

Mr. HAWES said, that from all the information he possessed, his belief was directly opposed to the report that Sir J. Brooke was engaged in any mercantile undertaking whatever. Indeed, he believed, on the contrary, that it was because Sir J. Brooke had abstained from entering into mercantile speculations, that he obtained the enmity of those by whom he was once admired.

The ATTORNEY GENERAL said, that in reference to the question put by the right hon. Gentleman the Member for South Wiltshire, he was bound to state, in justice to Sir J. Brooke, that the imputation cast upon him as to trading, was one to which his friends were in a position to give the most positive contradiction. Sir J. Brooke applied to him (the Attorney General), not professionally, but as a private friend, to advise him as to his moving for a criminal information against the parties who had published the report, in order that he might have an opportunity of explaining the whole of his conduct; and Sir J. Brooke refrained from taking that step entirely upon his (the Attorney General's) advice. He (the Attorney General) therefore took upon himself the whole responsility of Sir J. Brooke having so acted. He (the Attorney General) thought that as Sir J. Brooke was a public man, whilst there was a possibility of such a charge being made against him in the House of Commons, it was his duty to wait till that opportunity was afforded for giving a contradiction to it.

Mr. H. A. HERBERT read a return, moved for by the hon. Member for Montrose, in which it was stated that eight and twenty piracies on British vessels had been committed since the year 1839 in the neighbourhood of these islands, in most of which instances the crews had been murdered.

The Committee divided:—Ayes 145; Noes 20: Majority 125.

List of the NOES.

Brotherton, J.
Greene, J.
Hall, Sir B.
Hardcastle, J. A.
Henry, A.
Heyworth, L.
King, hon. P. J. L.
Lushington, C.
M'Gregor, J.
Molesworth, Sir W.
Pechell, Sir G. B.
Pigott, F.
Robartes, T. J. A.
Salwey, Col.
Smith, J. B.
Stuart, Lord D.
Tenison, E. K.
Thompson, Col.
Walmsley, Sir J.
Williams, J.

TELLERS.

Cobden, R.
Bright, J.

House resumed. Resolutions to be reported To-morrow.

WOOD USED IN SHIPBUILDING.

House resolved itself into Committee.

MR. BROTHERTON moved, it being half-past One o'clock, that the Chairman report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided; and it appearing that there was only one Teller for the Ayes, the Chairman declared that the Noes had it.

MR. MITCHELL moved the resolution of which he had given notice.

Motion made, and Question proposed—

> "That it is expedient that a Drawback should be allowed on the Duties now payable on all Wood imported for the purpose of Shipbuilding."

The CHANCELLOR OF THE EXCHEQUER said, it was desirable that he should put an end to this measure at once, and perhaps the best course to adopt was, to move that the Chairman should leave the chair. Nothing could be so objectionable as a system of drawbacks; the right hon. Baronet the Member for Tamworth had availed himself of every opportunity to do away with them, and though a few still remained they should not reintroduce a system that had led to great inconvenience. The total number of registered vessels was 30,000, the number registered at Lloyd's 10,000, and therefore the number to which the measure could possibly apply was one-third only of the vessels existing in this kingdom; and by far the greater proportion of the vessels surveyed and registered at Lloyd's, were vessels to which this measure would be no boon at all. It could not be extended to the smaller vessels engaged in the coasting trade and in fishing, without opening the door to fraud. He objected to the measure, because it must, therefore, necessarily be a partial, and not a general measure. If they allowed a drawback in the cases proposed, where were they to stop? They would be asked to allow it on timber used on railroads and in manufactories. He did not mean to say, if a drawback were allowed in the way proposed, that a very large amount would be lost to the revenue; but it was against the fraud that would be practised that he wished to guard. He believed it impossible to distinguish with perfect accuracy the different kinds of fir or oak timber, and the corresponding duties which would be levied upon it, and frauds to a great extent would be certain to exist in the carrying out of any plan of drawbacks upon timber employed in shipbuilding. He was, however, bound to say, that the state of the timber duties was at present most unsatisfactory; as many of the less valuable kinds of timber paid a very heavy duty, while some of the higher classes paid but a small amount of duty. He was anxious that in anything he might say, he should not be understood to say anything against a revision of the timber duties upon some future occasion. He begged therefore to move, that Mr. Bernal do leave the chair.

Whereupon Motion made, and Question put, "That the Chairman do leave the chair."

MR. CARDWELL said, that the arguments used by the right hon. Gentleman now were as different as could possibly be from those resorted to when the subject was first introduced. What were his arguments to-night? They rested on a series of false analogies. He had referred to the timber used in mines and railways, as though they stood on the same footing as shipbuilding; whereas nothing could be more dissimilar. The sole ground on which the hon. Member for Bridport rested his Motion was, that having subjected the British shipowner to competition with foreign shipping, you ought to remove all impediments which prevented him from entering fairly into the contest. Now, vessels employed in the coasting trade were not exposed to this competition, and therefore did not come within the principle. The ground on which the Motion rested was, that, contrary to the policy pursued in other matters, they were maintaining a duty on the raw material used in a manufacture which employed more adult labour, perhaps, than any other branch of industry. Another objection was the difficulty of making distinctions between the different classes of timber. Surely this was no ground for refusing the hon. Member leave to bring in his Bill. Let it be brought in, and then it would be time enough to see how far its machinery was effectual for its professed objects.

MR. MITCHELL reminded the right hon. Chancellor of the Exchequer, that in his speech on the budget he distinctly pledged himself to agree to this drawback if it could be done without loss to the revenue, as a majority of the House had voted for the principle. With respect to the objection urged against the measure, that it would necessarily be a partial one, he did not think such would be the case, as every one of the owners of the 30,000 ships might, according to his plan, upon payment of a fee to the surveyor of one pound, send in his claim for the allowance of the drawback. It was quite true that there were only eleven ports where surveyors were appointed by Lloyd's solely; but he had yet to learn that the other surveyors were not trustworthy. Again, the right hon. Gentleman said, that it would be impossible to distinguish the class of timber of which a vessel was built; but in opposition to this, he had letters in his hand from some of the most eminent woodbrokers in London, assuring him that no man conversant with the trade would find the least difficulty in the matter. He had also a letter to the same effect from Mr. W. Smith, of Newcastle, whom he had no hesitation in calling one of the first shipbuilders in the world. It was all very well to hint at a revision of the timber duties; but knowing the numerous claimants by whom a Chancellor of the Exchequer was always beset, he was not disposed to trust the claims of the unfortunate shipbuilders to the chance of a remission next year.

The CHANCELLOR OF THE EXCHEQUER explained, that what he had stated in his speech, to which reference had been made, was, that as there appeared to be a very strong feeling in the House in favour of allowing the drawback, the question should certainly receive his consideration, although he was decidedly opposed to resorting back to the old system of drawbacks.

MR. WYLD contended that the claims of the mining interest had equal weight with those of the shipbuilding interest, inasmuch as the drawback which they formerly possessed on timber used in mining had been removed on the faith of a protecting duty being maintained on foreign ores. In 1847 this protection had been removed, and they were entitled to have the drawback restored. He defied any one to show that it had ever been made an engine of fraud during its maintenance in former years.

MR. J. L. RICARDO supported the Motion of the hon. Member for Bridport on the ground that under the new navigation laws any amount of foreign timber knocked together in the shape of a ship escaped the duty, while the raw article, which would give employment to our artisans, was subject to a heavy duty. There could be no difficulty in ascertaining the quantity and quality of the timber used in vessels, for their classification at Lloyd's depended upon this circumstance.

The Committee divided:—Ayes 50; Noes 19: Majority 31.

List of the AYES.

Armstrong, R. B.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, C. L. G.
Brand, T.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Cowper, hon. W. F.
Craig, Sir W. G.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Elliot, hon. J. E.
Foley, J. H. H.
Fortescue, hon. J. W.
Freestun, Col.
Grace, O. D. J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hallyburton, Ld. J.F.G.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Hodges, T. L.
Howard, hon. C. W. G.
Jervis, Sir J.
Lascelles, hon. W. S.
Lewis, G. C.
M'Cullagh, W. T.
Maule, rt. hon. F.
Mostyn, hon. E. M. L.
O'Connell, M.
Parker, J.
Price, Sir R.
Rawdon, Col.
Romilly, Col.
Romilly, Sir J.
Russell, F. C. H.
Somerville, rt.hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Tenison, E. K.
Townshend, Capt.
Tufnell, H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.
Hill, Lord M.
Howard, Lord E.

List of the NOES.

Adair, H. E.
Birch, Sir T. B.
Brockman, E. D.
Brotherton, J.
Cardwell, E.
Duncan, G.
Forster, M.
Greene, J.
King, hon. P. J. L.
Lockhart, A. E.
Palmer, R.
Pechell, Sir G. B.
Pigott, F.
Scholefield, W.
Smollett, A.
Stanford, J. F.

Thompson, Col.
Thornely, T.
Wyld, J.

TELLERS.

Mitchell, T. A.
Ricardo, J. L.

The House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Friday, May 24, 1850.

MINUTES.] PUBLIC BILLS—*Reported.*—Exchequer Bills (8,558,700); Convict Prisons.
3° West India Appeals; Alterations in Pleadings; Registration of Deeds (Ireland).

SUPPLY—ASSESSED AND WINDOW DUTIES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. BLACKSTONE rose to move for leave to bring in a Bill to repeal the increase of ten per cent on the assessed taxes. He did not think the Motion, if carried, would embarrass the Chancellor of the Exchequer, or alter his financial arrangements. In bringing forward the proposition for this increase of ten per cent, the right hon. Gentleman's predecessor had stated that the national expenditure was 49,432,000*l.*; income, 46,700,000*l.*; deficiency, 2,732,000*l.* The right hon. Gentleman had proposed, by the increase of ten per cent on the assessed taxes, to raise 2,760,000*l.*, and by the addition of five per cent to the customs and excise, to raise 1,895,000*l.*; whereas he only raised 206,000*l.*, scarcely ½ per cent, instead of 5 per cent. The reason he had not encumbered his Motion with the repeal of the 5 per cent additional duty on the excise and customs was, that the complete revision of taxation made by the right hon. Member for Tamworth had remitted 4,000,000*l.* from the customs and excise; and since then excise duties had been remitted to the amount of 1,300,000*l.* on glass, and auctions, and bricks. Now, the House had readily imposed the 10 per cent addition on the assessed taxes when the revenue was in a state of depression, and he hoped would as readily remove the addition now that the revenue was prosperous. When the Chancellor of the Exchequer brought forward his budget this year, he stated—

The national income	£52,785,500
Expenditure	50,533,652
Surplus	£2,251,848

But, in reality, the right hon. Gentleman understated the surplus, for from papers since received it appeared thus:—

Income	£52,916,918
Expenditure	50,378,418
Surplus	£2,538,500

Thus the surplus really exceeded that stated by the sum of 286,652*l.*, which was about the amount of revenue he now asked might be remitted. He was aware that the right hon. Gentleman would say that the assessed taxes fell principally on the rich, and that there were other taxes which pressed more upon the labouring classes; but in some items, as that of male servants, this was not at all true; and the assessed taxes fell really upon labour. This was shown by a comparison between the number of male and female servants in Ireland, where the duty on male servants did not exist, and England. On the census of 1831:—

	Great Britain.	Ireland.
Male servants	101,848	98,742
Female	678,451	252,155

Thus, in this country, where there was a heavy tax on male servants, the proportion of females was 6½ to 1, in Ireland 2½ to 1. Moreover, it would be seen that since the 10 per cent was imposed, every item of the assessed taxes had fallen off. Thus it was with—the tax on servants:—In 1841, it was 204,321*l.*; 1842, 203,816*l.*; 1843, 194,064*l.*; 1844, 191,061*l.*; 1845, 191,700*l.*; 1846, 192,462*l.*; 1847, 193,836. Showing a falling-off of 44,000*l.* per annum. So as to another item of the assessed taxes, clearly pressing upon labour, and discouraging trade—

THE TAX ON CARRIAGES.

	Above Two Wheels.	Two-wheeled ditto.
1842	£464,592	£140,067
1843	442,850	123,972
1844	428,904	118,878
1845	424,077	112,410
1846	420,127	167,773

So as to a similar item, that of the tax on horses:—In 1842, was 414,582*l.*; 1843, 388,181*l.*; 1844, 369,642*l.*; 1845, 374,657*l.*; 1846, 373,966*l.* Showing a loss to the revenue of 40,000*l.* per annum from the increase of duty. So as to the tax on dogs:—In 1841, it was 170,950*l.*; 1847, 148,413*l.* The fact was, all the duties were declining. Thus gentlemen were having two-wheeled carriages under the cost of 21*l.*, or having their names put on them, and hence avoiding the duty, as appeared from the—

NUMBER OF TWO-WHEELED CARRIAGES.

	For which duty was paid.	Exemption claimed.
1842	£35,182	£25,743
1846	27,177	32,766

There was one item on which there had been an increase, that of the window duty; but that was because in 1840 the right hon. Gentleman the Member for Portsmouth when Chancellor of the Exchequer had a fresh survey. The result had been, that the window duty — In 1840, was 1,298,322*l.*; 1846, 1,603,785. Thus the fresh survey in 1840 added 430,000*l.* He had stated these facts to show that the increase of 10 per cent on the assessed taxes had only diminished the revenue—and as the addition had only been asked to make up a deficiency in the revenue, he thought it should be removed when there was a surplus—and that it was the first duty of the Government to take it off before repealing any other duties.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'Leave be given to bring in a Bill to repeal so much of the Acts 3 and 4 Vic. c. 17, as imposes an additional duty of 10 per cent on Assessed and Window Taxes,"

instead thereof.

The CHANCELLOR of the EXCHEQUER said, it had hitherto been his duty to resist every proposition of this kind, and he must admit that, in many cases, it had been a painful duty. On the present occasion, however, he had no great scruple in opposing the Motion of the hon. Gentleman who had just addressed the House. The hon. Gentleman had truly and correctly anticipated the answer which he (the Chancellor of the Exchequer) was prepared to give to his speech and Motion. He had felt it his duty to resist the reduction of what were called the taxes on knowledge, and the taxes on air and light; and he could not now sacrifice the revenue derivable from the object of the hon. Gentleman's Motion by abandoning the additional 10 per cent which he sought to abolish. The imposts of which the hon. Gentleman complained, namely, the assessed taxes, were the most unobjectionable species of taxation, and the 10 per cent amounted to 290,000*l.* Surely, those who kept horses, dogs, and male servants in abundance, who used armorial bearings, and who used hairpowder, were more fair subjects of taxation than the poorer and industrious classes. It did not seem to him that it signified much on what ground the tax had been originally imposed. Revenue to the amount of 300,000*l.* was derived from it. It was more consistent than any substitute that had been suggested for it with the well-being and prosperity of the great body of the people. He confessed that when the time for reduction came, the assessed taxes he should consider as the last species of impost that ought to be removed. There were many far more burdensome imposts than the assessed taxes. He hoped the House would concur with him in resisting the present Motion, and go at once into Committee of Supply.

Mr. BANKES said, that the right hon. Gentleman had especially avoided the 10 per cent on the window tax, a matter that did not exclusively concern the rich. It was a subject that had excited public feeling very much; and, if some concession were made on that point, the public would receive it as an earnest of the intention of the Government to act with good faith in this matter, and as affording some hope that the whole of that odious tax would be eventually removed. He quite differed from the Chancellor of the Exchequer in considering the Motion now before them as one that merely affected the rich; on the contrary, he maintained that it very deeply affected the humbler classes of the community. One of the great advantages arising from the luxuries of the rich was, that they gave employment to the poor. Now, these taxes deprived many persons of bread who otherwise might be employed as servants. The Chancellor of the Exchequer said he should not take into account the circumstances under which the additional 10 per cent was imposed; but surely the House would not sanction such a position. It was only imposed for a temporary purpose, and to make good a temporary deficiency. The Government now had its command a surplus, and the earliest opportunity should be taken to do that which was nothing more than an observance of good faith. At a future time, if a Chancellor of the Exchequer were to come forward and say that he wanted to impose an additional duty merely for a temporary purpose, the House would surely remember what they had that night heard from the right hon. Gentleman. Even upon sanitary grounds he thought the necessity for relieving the country from the window tax was most pressing. The right hon. Gentleman had a surplus, and seemed resolved to keep it; but he would not succeed in showing that the people who bore the heaviest burdens had derived any advantage from that surplus of which the right hon. Gentleman was so boastful. The remissions asked amounted only to 200,000*l.* or 300,000*l.*, and if granted they would certainly give great satisfaction to the country at large.

Sir G. PECHELL supported the Motion. The House had already smashed the windows by the vote agreed to a few weeks ago; he hoped, however, that they would sooner or later reconsider their decision, for the window tax operated most unfavourably on building, as well as on human health.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 130; Noes 65: Majority 65.

List of the Noes.

Adderley, C. B.
Alexander, N.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Bennet, P.
Boldero, H. G.
Buck, L. W.
Chatterton, Col.
Christopher, R. A.
Clifford, H. M.
Cochrane, A.D.R.W.B.
Cubitt, W.
Davies, D. A. S.
Disraeli, B.
Duncombe, hon. A.
Dundas, G.
Du Pre, C. G.
Edwards, H.
Evans, Sir D. L.
Fitzroy, hon. H.
Forbes, W.
Gore, W. R. O.
Hall, Sir B.
Halsey, T. P.
Hamilton, Lord C.
Harris, hon. Capt.
Hood, Sir A.
Hornby, J.
Houldsworth, T.
Hudson, G.
Knox, Col.
Lacy, H. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lockhart, A. E.
Meagher, T.
Manners, Lord J.
Meux, Sir H.
Mundy, W.
Naas, Lord
Neeld, J.
O'Flaherty, A.
Packe, C. W.
Pechell, Sir G. B.
Plowden, W. H. C.
Salwey, Col.
Sandars, G.
Smyth, J. G.
Smythe, hon. G.
Somerset, Capt.
Stanley, E.
Stuart, Lord D.
Stuart, H.
Taylor, T. E.
Thornhill, G.
Trollope, Sir J.
Waddington, H. S.
Walmsley, Sir J.
Walsh, Sir J. B.
Williams, J.
Willoughby, Sir H.

TELLERS.

Blackstone, W. S.
Vyse, R. H.

SUPPLY—FOREIGN POLICY.

Order for Committee again read.

Mr. B. COCHRANE said, he could not allow one Supply night to pass without expressing to the House the conviction which had been impressed upon him during his recent stay abroad of the universal feeling of hostility with which this country was now regarded in every part of the Continent. He felt bound to take the earliest opportunity of stating that conviction, and he was not only satisfied of the prevalence of those hostile feelings by what he had seen and heard, but he had received letters since his return which bore evidence to the same effect. Having frequently addressed the House on the subject of Greece, he was in communication with persons there, and they had written to him to say the universal feeling was, that Greece was ruined by the policy of the noble Lord at the head of Foreign Affairs. He had formerly concurred in the views expressed by the noble Lord with respect to that country. He always understood it was the noble Lord's intention to act in favour of the people against the tyranny by which they were oppressed; but the result of the noble Lord's policy had been that the King of Greece was triumphant. Let the House be aware of that fact. The game of the King had been played by the noble Lord, and the country was ruined! The King was not at all affected by the policy which had been pursued, but the kingdom of Greece was deeply injured, and the revenue would be diminished nearly one-half by the measures the noble Lord had adopted against her. Turning from Greece to the other countries of Europe, he could assure the House, as one recently coming from them, that it was perfectly painful to listen to the feelings expressed against this country. He wanted to have some explanation of the policy which injured us so materially in the opinion of all, and so diminished our influence. The noble Lord should say what his intentions were when he sent Lord Minto into Italy—when he revolutionised every kingdom there—Naples, Rome, Tuscany, Piedmont. When Lord Minto upheld the revolutionary party in every one of those countries, they were told it was for the sake of giving free institutions to the people, and that England should exercise her just influence on Italy. Good God! what had been the result? Where was the influence of England now? She had none—none whatever. Where were the liberal institutions of which they had heard? Why, the policy of the noble Lord had overthrown every chance of liberal institutions and of free government in those countries. He had rendered them unfit for it. He wished some person with a higher position in the House had taken up these questions; but the House would pardon him, as one who had had the privilege of communicating freely with persons thoroughly informed upon such matters, for stating what he had heard and learned. He would refrain from touching on the recent misunderstanding with France, but, taking the broad facts of the case, he would ask, had not France been our sole remaining ally? "France and England against the world" was the maxim of Napoleon. The noble Lord had now lost France, and we stood isolated among the nations of Europe without a single ally and without one friendly Power. Such was the result of the policy carried out by the noble Lord. If, as he sincerely hoped, notwithstanding the apathy which prevailed here on foreign questions, the consideration of our foreign policy was brought forward as it ought to be, he would be prepared to show that every one of the complaints against the noble Lord was well founded, and that he was not wrong in stating our policy had revolutionised Italy. It was disgraceful to the House that these questions were not brought forward and properly discussed. He was anxious they should know from an eye-witness, and from one who had only that day received letters from abroad, what had been the melancholy and hopeless result of the noble Lord's policy. It was notorious the result of the noble Lord's upholding revolutionary opinions in other countries must be disturbances throughout Europe: and all the excuse the noble Lord could make was, that while all other countries had been revolutionised, England had remained firm. He (Mr. Cochrane) had hoped a more generous feeling would prevail in this country, and that the effect of England's remaining firm would have been to induce the noble Lord to extend to other countries a more generous and noble policy. If we were in such a prosperous condition—thanks to the high moral feelings of the people of this country—was it noble, generous, or just, to send agents into other countries to disseminate republican doctrines? The noble Lord said last night that we must be prepared to recognise any Government in France; and indeed his policy led him (Mr. Cochrane) to think that the Government the noble Lord would most readily recognise would be a Government which he hoped they never would see in France, and one which this country ought never directly or indirectly, to sanction—the government of such men as Barbès and Sobrier. In every country of Europe they looked to the noble Lord as the supporter of republican opinions—in every country they regarded the intervention of Lord Palmerston and the mission of Lord Minto as the source of revolutions. At a future day he hoped some hon. Member, of a position which would secure his representations due weight with the House, would bring forward the whole question of our foreign policy fully, distinctly, unhesitatingly, and uncompromisingly. It was not a case of mere party, nor was it to be met by frivolous explanations. The question could be evaded no longer, for it had now become a matter of necessity that our foreign policy should receive more marked attention than the House had hitherto bestowed on it. It was not right for the House to say constantly "Oh, we don't care for foreign affairs—they are nothing to us." He had not attempted to enter fully into these questions; he would wait until the subject was formally brought forward, and then prove all his assertions. Foreign affairs would one day compel the House to attend to them, and it would then be found that the course which had been followed respecting them was involving our own most vital interests, as he believed it had already deeply compromised our national honour and our national integrity.

Viscount PALMERSTON: I will not follow the hon. Gentleman into all the topics on which he has touched on a Motion for going into a Committee of Supply. I can only say that what I have just heard from the hon. Gentleman leads me in some degree to alter an opinion very prevalent in this country, and which I have entertained, that it is desirable English gentlemen should travel abroad in order fully to understand foreign affairs. It certainly appears to me that the hon. Gentleman was quite as good a judge of our foreign affairs before he went abroad. I only wish to deny totally the assertions he has so broadly and deeply made with respect to the effect of Lord Minto's mission to Italy. The hon. Gentleman having been abroad has not had time to read the papers at home— [Mr. B. Cochrane: I have read them all]—and I can only recommend him, if he has any leisure time to spare, to read the blue books which have been produced respecting Italy. [Mr. B. Cochrane: I have read the whole of them.] Then I am sorry that the hon. Gentleman has so misspent his time, that these documents make so little impression on his mind. The mission of Lord Minto was neither intended to produce revolution in Italy, nor was it followed by that effect. It had a totally different object in view. Lord Minto was sent to Italy to give to those Governments which might wish to have it, the opinion of the Government of this country with respect to carrying out temperate and moderate reforms which might save them from revolution; and I must say my opinion is, that if the advice which Lord Minto was instructed to give, when asked for, but not unsolicited, had been in all cases followed, many disasters which the hon. Gentleman deplores would not have taken place. The country which first asked Lord Minto's advice, and followed it, was the kingdom of Sardinia; and it was a proud proof of the soundness of the advice of my noble Friend that the kingdom of Sardinia was one of the few States which now afforded an example of tranquillity, order, and constitutional liberty.

Lord C. HAMILTON wished very much that the noble Lord would tell them whether it was in consequence of Lord Minto's advice that the kingdom of Sardinia had twice broken through solemn treaties, and twice had marched her armies into the dominions of Austria? Had those aggressions, which had been attended with the most disastrous consequences to Sardinia, so that her capital would have been hostilely occupied but for the clemency and liberality of the assailed party, been in accordance with Lord Minto's advice? If so, the present condition of Sardinia certainly depended more on the forbearance of Austria, than on any efforts of the noble Lord's policy.

Viscount PALMERSTON: So far from the aggressions of Sardinia on the Lombard territory of Austria having been the result of any advice of Her Majesty's Government, the papers prove that this Government remonstrated repeatedly, in the strongest possible manner, against those proceedings.

Main Question put, and agreed to.

House in Committee of Supply—Miscellaneous Estimates.

SUPPLY—ROYAL PALACES.

Motion made, and Question proposed—

"That a sum not exceeding 83,160*l.*, be granted to Her Majesty, to defray, to the 31st day of March, 1851, the Expense of Maintenance and Repair of Royal Palaces and Public Buildings, for providing the necessary supply of Water for the same, for the Rents of Houses taken for occasional and temporary accommodation of the Public Service, for the Purchase and Repair of Furniture required in the various Public Departments, and for Services connected with the Lighting, Watching, and general protection of the Public Offices."

Colonel SALWEY moved that the sum be reduced by 593*l.*, the amount of the estimate for rebuilding the houses of the military knights of Windsor. Perhaps it was not generally known that there were charitable trusts set apart for this purpose. The Public Petitions Committee had printed a petition from Windsor, which stated that in 1843, 3,200*l.* of the public taxes was appropriated to the repairs and rebuilding of the knights' houses. Now these were expenses that under certain deeds executed in the time of Henry VIII. ought to have been borne out of the trust estates; but the deans and canons of Windsor had appropriated these estates to their own use. In 1830 the sum of 7,000*l.* was exacted from the country; in 1844, 3,100*l.* was obtained for rebuilding the military knights' houses of the lower foundation, and repairing those of the upper foundation. He found also the sums of 200*l.* and 600*l.* appearing in the Miscellaneous Estimates for 1848; then there was another sum of 1,260*l.*, and now they had an additional sum of 593*l.* Now, this was a great public robbery. The dean and chapter divided 22,500*l.* a year amongst themselves. They held a property which in Henry VIII.'s time was worth 600*l.* a year. It was now worth 12,000*l.*, and that with former grants made up 22,500*l.* They allowed to these unfortunate knights labourers' wages—a shilling a day; and the dean and canons had now the effrontery to come to this House to ask the nation to rebuild these houses. This was a grievous wrong. He thought the time had come when the country should deal with such questions. He now moved that the item be reduced by the sum of 593*l.*

Afterwards Motion made, and Question proposed—

"That a sum not exceeding 82,567*l.*, be granted to Her Majesty, to defray, to the 31st day of March, 1851, the Expense of Maintenance and Repair of Royal Palaces and Public Buildings, for providing the necessary supply of Water for the same, for the Rents of Houses taken for occasional and temporary accommodation of the Public Service, for the Purchase and Repair of Furniture required in the various Public Departments, and for Services connected with the Lighting, Watching, and general protection of the Public Offices."

Sir G. GREY said, the houses in which these knights resided were in fact part of the building belonging to Windsor Castle. The hon. and gallant Gentleman founded his objection to this vote on the claim of the military knights to share in the increased value of the estates. That was a wide question, which could not be entered upon now. It was a strictly legal question; and if these knights had a legal claim it was not to the House of Commons they should go, but to a court of law. The question had been submitted to his predecessor, the right hon. Baronet the Member for Ripon, and the opinion of two of the law officers of the Crown—the present Chief Baron and the late Sir W. Follett—had been taken upon it, and the right hon. Gentleman considered it his duty not to interfere.

COLONEL SALWEY said, it was perfectly well known that these poor men were not in a situation to go to law with such a body as the dean and canons of Windsor. But he would prove his point. Henry VIII. by his will granted lands and tenements of the value of 600. a year, on certain conditions. On the death of that monarch, various steps were taken by the Privy Council, and on the 4th of August, 1567, a deed was executed to declare the trusts. Now, he begged the House to remark that in the reign of Queen Mary the funds were devoted to the purpose for which they were intended, for out of the revenue thirteen houses were built, which the knights resided in at the present day.

COLONEL THOMPSON hoped the Mover would go to a division. His conviction was, that the matter ought to be looked into; and he bespoke the attention of both military and naval men to the subject. It was a contest between poor knights and ecclesiastics; and the great fish were swallowing the little.

LORD SEYMOUR hoped his hon. and gallant Friend would consider what would be the effect of his Motion, if carried. Parliament had no power to compel the Dean and Chapter of Windsor to repair the houses; and if Parliament refused the vote, the consequence would be that the houses would not be repaired at all.

SIR DE L. EVANS believed the institution of the Knights of Windsor was originally a good one; but, like many other ancient institutions, its design had been much neglected, and appointments made too much a matter of patronage. The present Government were attending to it in a much better spirit than had previously been manifested, and the right hon. Gentleman the Secretary of State for the Home Department had now under consideration the military claims of the officers recommended to the institution. None were appointed now, unless officers in distressed circumstances, who had served their country gallantly. The object of the hon. and gallant Member was a laudable one; but, as the noble Lord had observed, if the vote were withheld, the houses could not be repaired. He (Sir De L. Evans) hoped the hon. and gallant Member would withdraw the Motion, and introduce it on the Ecclesiastical Bill. There was reason to believe that the ecclesiastical body at Windsor had extensive revenues themselves, and, not content with them, they were appropriating a large portion of the funds which belonged to those distressed knights.

Motion, by leave, withdrawn.

MR. COBDEN said, he saw a charge of 850*l.* for repairs, and furniture, and rates, of our Ambassador's house at Paris. They had been led to suppose, from the inquiry upstairs, that the furniture was not at the expense of the public. They paid the Ambassador 10,000*l.* a year, and 4,000*l.* a year for expenses connected with the office; they found him a building which was, in fact, a palace, and he did not see why there should be this charge in addition.

LORD SEYMOUR said, that the furniture alluded to was for the official rooms, and that the 850*l.* also included charges for lighting, water rates, contingencies, &c.

COLONEL SIBTHORP said, he was informed that other expenses had been incurred in the improvements of Buckingham Palace which were paid for by the department of Woods and Forests, besides those which were sanctioned by the House. He wished to know whether that was the case?

MR. HAYTER said, he believed the gallant Colonel was entirely misinformed. He did not apprehend that there was any sum of money whatever expended on Buckingham Palace, except what was voted by that House. The Commissioners of Woods and Forests undoubtedly took care of the royal parks, but they had nothing at all to do with Buckingham Palace.

COLONEL SIBTHORP: Oh, oh! but if a garden is attached to a house, it is part of the house. Everything that was connected with Buckingham Palace ought to be considered as belonging to it.

Vote agreed to.

22,000*l.* additions to the Ordnance Office, Pall-mall.

Vote agreed to.

SUPPLY — BUCKINGHAM PALACE.

Motion made, and Question proposed—

"That a sum, not exceeding 14,672*l.*, be granted to Her Majesty, to defray, in the year 1850, the Expense of making an Ornamental Enclosure, and forming a Public Garden, in front of Buckingham Palace."

VISCOUNT JOCELYN wished to know what spot had been selected to which to remove the marble arch.

LORD SEYMOUR said, it was intended to remove it to the centre mall in St. James's Park, nearly opposite Stafford-house. The public would have the same access to the garden which it was proposed to make as they now had to the park.

MR. B. OSBORNE wished to know whether the sum put down for the removal of the arch and putting it up again included the whole charge? The Committee ought to understand that first and last this arch had cost the country 120,000*l.* He would propose that it should be sold rather than removed at the expense of the public. He wished also to know what was the meaning of 3,500*l.* for "groundwork of garden," as it was called, and whether this was the whole sum that would be required for that purpose? If the hon. Member for the West Riding would make a Motion for disallowing the sum of 10,000*l.* on account of the arch, he would cordially support it.

The CHANCELLOR OF THE EXCHEQUER hoped he should be able to satisfy the hon. and gallant Gentleman as to what was intended, and that the proposal was one which the House ought to agree to. Every one would agree that it would never do to leave the arch where it was. The question had been mooted as to the site to which it should be removed, and various suggestions had been made. The last proposal was one which would contribute very much to the pleasure and amusement of the great body of the people. It was, that the arch should be moved down the park, nearly opposite to the entrance into the stableyard, to stand across the centre mall in the park, so as to form an approach to the palace. It would stand across the portion of the mall through which the Queen drove when going towards Whitehall. Then it was proposed to remove the great hoarding in front of the palace, and to replace it with an iron palisade, like that which formerly enclosed the open part of Buckingham Palace. It was also proposed to take off from the upper end of St. James's Park, and from the lower portion of the Green Park, two square plots of ground, and to lay them out as formal gardens. He could testify, from his own experience, living near the spot, to the great satisfaction afforded to a large body of the people by admission to the park on summer evenings, and especially on Sundays. There was not a more pleasing and satisfactory sight than to see the crowds of people who spent a large portion of the evening there in summer. A few years ago, it had been supposed that if the people of this country were permitted to roam at large among trees and flowers, they would do them injury; but this was far from being the case. It was remarkable that the people of towns seemed to take the greatest possible pleasure in the sight of grounds laid out and planted with flowers. These two portions of ground, which would add very much to the architectural appearance of the palace, would also contribute to the amusement of the inhabitants of the metropolis. The proposal was that these two spaces should be inclosed, and laid out as formal flower gardens, and of course open to the public—the great object being to increase their means of innocent amusement. It was intended that these gardens should be laid out, and should have seats along the walks. It was also proposed that there should be a site in which either statues, or casts, or architectural ornaments, might with advantage be placed. That was open to future consideration; all that was proposed at present was to lay out the ground and form flower gardens. The present vote would not cover the whole expense which would be necessarily incurred in the formation of these gardens. It included the expense of moving the arch, of inclosing the front of the palace, and of laying out the ground where the gardens were to be formed. Some further expense would be necessary—no very large sum, he believed, if all that was done was to lay out the ground as flower gardens. If architectural ornaments were introduced, that would, of course, involve a further expense; but that was no necessary part of what was now proposed, and might be either done or not in any future year as Parliament might be disposed. All that would be entailed by this vote would be the expenditure included in the estimate for forming the flower garden.

Mr. GOULBURN said, two questions were before them—one, as to the formation of ornamental flower gardens, and the other as to the position of the arch; and he must say, that notwithstanding the explanation just given by the Chancellor of the Exchequer, it was difficult to ascertain the bearing of these different questions—what ground, for example, was to be given in one direction, and what ground was to be withdrawn in another. He thought, therefore, it would be satisfactory to have a plan of the arrangements made out, in order that the House might be able sufficiently to understand them. He should have some doubts as to the propriety of placing the arch in the centre of the mall; but as to the flower gardens, they would, no doubt, be a source of great enjoyment, and he did not at present see that there could be any objection to their construction.

The CHANCELLOR of the EXCHEQUER said, his right hon. Friend was in error when he supposed that if ground was given in the one case, it would be withdrawn in the other. No ground would be withdrawn at all except that which was to be surrounded by the iron palisade in front of the palace. All the rest would be open to the public.

Mr. B. OSBORNE thought, seeing the sum now proposed was only a part of the expenditure to be incurred, that the vote should be deferred till an estimate of the whole outlay was laid before the House. He would therefore move that this vote be postponed.

The CHAIRMAN said, it was not competent to the hon. and gallant Member to move the postponement of the vote. He could only negative it.

Mr. B. OSBORNE, in that case, would move that the vote be negatived.

Mr. DRUMMOND asked whether it had been ascertained that the Queen's state coach could go through the arch? He very much doubted it. Then he thought 10,000*l.* a very large sum for removing the arch a space of some 300 yards. There was, no doubt, to be an enclosure of some kind, but then they had no estimate of the expense to be incurred in each case. There was, besides, a large item for "groundwork of garden." What was meant by the groundwork of a garden?

The CHANCELLOR of the EXCHEQUER said, his hon. Friend was mistaken when he spoke of the removal of the arch costing 10,000*l.* The item included the removal and erection of the arch, and making the enclosure in front of the palace. As to the Queen's state coach, it had passed through the arch where it stood now, and what it had done before it could do again.

Mr. V. SMITH was as anxious as any one to see the arch in a proper place, but he thought estimates more explicit should be laid before them, so that they might be able to know what the enclosure was to cost, and what the removal of the arch. There was a sum of 650*l.* put down as commission for designs, superintendence, &c.; a sum which he thought exceedingly high. Then what was a clerk of the works for? His right hon. Friend the Chancellor of the Exchequer said he was going to remove the marble arch, and place it in the mall for the amusement of the public; but he did not see how that could be, unless something were placed upon the arch which would be calculated to excite amusement.

Colonel SIBTHORP asked whether the country was in a fit state to enter into all the extensive alterations proposed? He thought it was not; but the Chancellor of the Exchequer having got a surplus, seemed to be so flush of money that he did not know how to expend it.

Lord SEYMOUR did not suppose that any one could wish to leave the marble arch where it now was. He might state that the removal of the arch would cost about 4,000*l.*; the cost of the iron railing would be 6,000*l.*; and the commission for designs, superintendence, &c., would be 650*l.*, being the 5 per cent commission of the architect on the expenditure, including the cost of designs. The whole sum amounted to 14,672*l.* He had endeavoured to ascertain what would be the entire estimate, and he found that it would come to about 26,000*l.* before the work was finished, so that another vote in a future year, scarcely so large as the present, would be sufficient.

Mr. S. HERBERT thought, that though there might be a technical objection to the proposal of the hon. and gallant Gentleman the Member for Middlesex, that the vote should be postponed, yet the Government of itself might postpone the vote for further consideration. Of course, no one wished to see the marble arch remain in its present position; but he would much sooner see it remain there than removed to an inappropriate place. The arch was one of the most beautiful works of art in town, and it would be a pity to see it placed in a situation not suited to its proportions. He believed that when the noble Lord the Member for Falkirk was at the head of the Woods and Forests, he intended that the arch should be placed in a different situation from that now proposed. He (Mr. S. Herbert) thought the noble Lord's intention was, that the mall of the park should be continued through Spring-gardens to Charing-cross; that a new access to Charing-cross should be made from the park, at the extremity of which the arch should be placed; and that the approach thence should extend onward to Buckingham Palace. He did not know what difficulty might arise to this plan from the expense of removing the houses, but he certainly thought it was a better proposal than that made by the right hon. Baronet the Chancellor of the Exchequer. As to his plan, they had received but a very vague description of it, and he (Mr. S. Herbert) hoped, therefore, that the vote would be postponed till complete plans and estimates were laid on the table, so that there could be no danger of exposing themselves to the charge constantly brought against them of concluding all such matters precipitately.

The CHANCELLOR of the EXCHEQUER thought everybody admitted that the arch ought to be removed. In fact, it must go; it could not remain any longer where it was; therefore, they must decide where it was to go to. Several proposals had been made on the subject; and, among others, that of the noble Lord the Member for Falkirk had been brought forward; but his was a scheme which necessarily involved a great expenditure. They would require to remove the house of Sir John Guest, a portion of the chapel in Spring-gardens, and take off a considerable corner of Messrs. Drummond's banking-house, together with other buildings, so that the outlay would come to be very great if the plan of the noble Lord were adopted. It was certainly very desirable that any scheme of this kind should be well considered. They were, he confessed, too much in the habit of doing these things in haste, and considering them afterwards; and he thought, therefore, that great care should be taken to place the arch in the best possible position. He wished to say, also, that in the proposal he had made, the arch and the ornamental grounds must go together, for merely to put the arch in the place proposed without any additional ground being taken and laid out around it, would be to detract greatly from its appearance. The arch and the ornamental grounds on either side of it, must therefore go together, and be considered together. As it was of importance that this matter should be well considered, however, he would not now press the vote, but would consent to withdraw it for the present, in order that the House might have full time to form a deliberate opinion upon the subject.

Motion, by leave, withdrawn.

SUPPLY — TEMPORARY ACCOMMODATION FOR THE HOUSES OF PARLIAMENT.

On its being proposed that 3,129*l.* be granted to defray the expenses of providing temporary accommodation for the Houses of Parliament, committee-rooms, offices, and temporary official residences for the Speaker of the House of Commons, and other officers of the House, &c., for the year ending the 31st of March, 1851,

MR. B. OSBORNE said, that he wished to make some observations generally on the building of the two Houses of Parliament; and he would either do so on this vote or on the next, which required a grant to defray the expense of the works at the "New Palace," as it was called, but which he should always call the two Houses of Parliament. If hon. Members were anxious to preserve their character as men of business, it was time they should insist upon knowing who was responsible for the expenditure of the different sums of money which had been advanced from time to time on account of the works at the New Houses of Parliament. The Old Houses of Parliament were burnt down in October 1834. Since that period a great many Committees had sat on the subject of building the New Houses; and he wished to draw the attention of the House for a short time to what had hitherto been the result of their labours. He was, however, sorry to see so beggarly an account of financial reformers on the benches around him when a subject on which they might save a large sum of money was under consideration. He was glad, however, to observe the hon. Member for the West Riding in his place; but his hon. Friend the Member for Manchester was absent, as if he took no interest in the question. The first Committee which sat was appointed in 1836; then followed what was a thing of rare occurrence—a Joint Committee of the two Houses of Parliament, which sat in 1837. That Joint Committee sanctioned the estimate which was given in by Mr. Barry for building the New Houses. That estimate fixed the expense at 707,104*l.* But what was the amount incurred, and the probable amount to be incurred? No less than 2,045,923*l.* Mr. Barry had since sent in an altered estimate, which had been laid before the Commissioners appointed to superintend the new buildings; but in what terms did these Commissioners express themselves in regard to that new estimate? They said, in their report—

> "We have to request that you will not consider the estimate as altered by Mr. Barry, as having received our sanction; but it has been drawn up by him, as far as possible, in accordance with the directions of the House of Commons."

Here, then, were they—the House of Commons—voting for and sanctioning an estimate which their own Commissioners had declared they could not give their sanction to. There was one item put down in that estimate under the head of "Works of a decorative character, furniture, &c.," to the amount of 497,400*l.*; but it was at the same time stated, that "it was impossible to estimate the amount under that head." It must be obvious to every one who knew the way in which the erection of the building was being carried on, that this so-called estimate of Mr. Barry was, in fact, no estimate at all. For the Chancellor of the Exchequer, therefore, to come down to the House, as in all probability he would do, and tell them that this was an estimate, was mere moonshine. Mr. Barry could not give an estimate. He did not know from one day to another what alterations were going to be made. It was fitting, therefore, that the House should know in what situation the country stood in regard to an estimate for the completion of these new buildings. There was a very remarkable circumstance in connexion with the item set down at 497,400*l.* for decorations, paintings, furniture, and so forth. Lord Duncannon put in an estimate on the 18th of April, 1837; and let the House mark the contrast between that estimate and the one submitted to the Commissioners by Mr. Barry. Indeed, he considered Lord Duncannon to have been the only Commissioner of Woods and Forests that ever controlled Mr. Barry, or who ever understood him. ["Hear!"] In saying these few words, he did not mean to make any personal attack on Mr. Barry. He knew nothing of that gentleman, and he thanked his stars that he did not. He spoke of Mr. Barry only in his public capacity. Now, in 1837, that gentleman stated that the whole building would be completed in six years. They were now in the sixteenth year since that building commenced, and they were not near its completion. And was there any Gentleman in the House who could tell him when the building would be completed? In April 1837, Lord Duncannon reported that the expense of the building would not exceed 724,984*l.*, being about 24,000*l.* more than the estimate originally put in by Mr. Barry. But the estimate put in by Lord Duncannon included 14 per cent for contingent expenses, and a sum of 60,000*l.* for the purchase of ground in Abingdon-street, besides 30,000*l.* for fittings and fixtures. Let the House compare this estimate with the one submitted in 1849 by Mr. Barry, and which the Commissioners would not sanction. If the Chancellor of the Exchequer did not step in, it was time the House of Commons should do so, and insist upon knowing who was responsible for the expenditure of all this money. Was the hon. Member for Lancaster responsible? No. Was the noble Lord at the head of the Government responsible? No. Were the Commissioners of Woods and Forests responsible? No; they denied being so. It was attempted to hold the hon. Member for Lancaster responsible; but it was unfair that the House should appoint that hon. Member and others to act as a Committee, with most limited powers, and after the walls of the House were built, the decorations planned, and the furniture ordered. It appeared to him that the hon. Gentleman had been so appointed in order that he might be made a sort of scapegoat. [Hear!"] He would repeat the assertion, and why? Because it was quite obvious that that hon. Gentleman had no control over the payment of this money. It was the Government of the country whom he held to be responsible, for they alone had the control over this large expenditure. The House of Commons was not to be referred to the First Commissioner of Woods and Forests; the Chancellor of the Exchequer was responsible for these excessive sums which had been expended over and above the first estimate. He hoped hon. Gentlemen would not say that this building was an ornament to the country, and therefore the expense ought not to be objected to. It was not his intention to criticise the style of the building; but it was the duty of that House to see that the estimate was kept within proper bounds. An estimate had been laid on the table, which did not include any charges for decorative works, but which was confined to the useful portions of the building, to the Houses of Parliament, and to the official residences. By the completion of those residences alone a saving of 2,000*l.* a year to the country would be effected, as they were now paying rent or making allowances to the Speaker to that amount. After the useful parts should be completed, then, if hon. Gentlemen chose to "have a taste," and to involve the Chancellor of the Exchequer in debt, let them go to the decorative department. In one of the resolutions which he had placed on the Notice-paper, he stated that the expenditure had been lavish and very extravagant. On this subject he would refer to the examination of Mr. Barry before the Committee which sat in 1844. He was asked, whether the Woods and Forests had ever called upon him for any plan? His answer was "Never." He was then asked whether he could tell the Committee what the ultimate cost of the whole building would be? His reply was, that he was unable to guess what the ultimate cost would be. Was ever such an instance known? It was thus that the whole affair proceeded; the architect being totally unable to give any estimate of what the whole cost of building the New Houses would be. Unless, therefore, the House insisted upon having an estimate, no control could be possibly exercised over the expenditure on account of these buildings. The way in which the Government viewed the matter was shown by a reply given by the noble Lord the Member for the city of London, who, in 1848, on being asked who was responsible for the money expended on the New Houses of Parliament, said that he hoped the estimate would not be exceeded; but as to the Government being responsible for any outlay, that was totally out of the question. It was high time, therefore, that the House should know where the responsibility rested. [Lord J. Russell: That was not my reply.] The noble Lord would find this reply attributed to him in *Hansard*—it was certainly very unlike what the noble Lord would say; but still there had been so much confusion and mystery about the New House of Commons, that he really should not be surprised at any Minister giving any answer concerning it. Well, to revert again to the Committees. In 1844 a resolution was passed by the Lords' Committee, which stated, that it appeared upon the evidence of Mr. Barry, that during the progress of the building of the two Houses of Parliament certain departures had taken place from the plan originally adopted, which alterations had been made by Mr. Barry without any authority from either of the boards that had been appointed to superintend these buildings, to which circumstances the Committee thought it right to call the particular attention of the House. Well, the particular attention of the House was called to it; but from that day to this, no notice had been taken of it, and they had been going on voting sums of money most lavishly, and the Houses were still unfinished. But that was not all. In 1841, a Committee sat on the subject of ventilating and warming the House of Commons. An estimate was put in at 86,0000*l.*; the total amount already expended (not including Mr. Barry's experiments with his nine boilers) was 124,408*l.* He believed it was not competent for him to move the resolutions of which he had given notice in Committee; if not, he was inclined to propose that the vote be stopped until an estimate of the cost for finishing the useful portion of the work be supplied. He hoped, however, the Chancellor of the Exchequer would give the House an assurance that those portions of the works should be finished before any further expense were incurred for statues and other matters connected with the fine arts. He wished also to know whether the present erection in the new House of Commons was intended for a gallery, or for a shelf for *Hansard's Debates;* and what was the estimated expense of pulling down the back window and putting up a new gallery. If the right hon. Gentleman would give him the assurance he required, he would not object to the vote now proposed.

The CHANCELLOR OF THE EXCHEQUER said, the House had better agree to this vote in the first instance, and receive the explanation which he had to offer when the next vote was proposed.

Mr. B. OSBORNE considered that it should be given at once.

Captain BOLDERO thought the House should insist upon knowing what the whole expenditure of the new Houses would be, including the temporary accommodation. The previous estimate was wrong, because it ought to have included every expense connected with the new House of Commons.

Vote agreed to.

Motion made, and Question proposed—

"That a sum, not exceeding 104,660*l.* be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March, 1851, the Expense of the Works at the New Houses of Parliament."

The CHANCELLOR OF THE EXCHEQUER said, he could assure his hon. and gallant Friend the Member for Middlesex that, so far from being desirous of avoiding explanations on this subject, he was exceedingly glad that an opportunity had been afforded him to make the explanation which he intended to make; because, unfortunately, considerable misunderstanding existed in the minds of some hon. Gentlemen on the subject—at least of those who had not paid that attention to it which had been paid by the hon. and gallant Member for Middlesex. He hoped, however, that the explanation which he was about to give, would at least tend to remove that misunderstanding, and that the necessity for so constant a repetition of this subject in the House might be removed. The hon. and gallant Gentleman had stated how long ago it was since the fire took place which destroyed the old Houses of Parliament, and that Mr. Barry had expressed his hope that in about six years the new Houses of Parliament might be rebuilt. The answer which Mr. Barry had to make on that point was, that justice had not been done to him by the House, inasmuch as they had not furnished him with the money necessary to enable him to proceed with the speed which he desired in the erection of the Houses. He (the Chancellor of the Exchequer) was very far from saying that the control of the House in that erection was at all times of a satisfactory character; but he did think that, since the time when the Commission was appointed by the House about two years ago, an adequate control had been exercised as to the erecting of the new building. But the House must remember this, that, after all, it was the House of Commons that was mainly responsible for the great expenditure which had been incurred. It was a Committee of the two Houses of Parliament which decided upon certain plans which were to be adopted. They selected the architect, they approved of the design, and the whole framework of the building was decided, not by the Government, but by the Parliament of the day. Now, a notion had prevailed in that House, unfortunately to a considerable extent, that a very large excess of expenditure had been incurred almost on the sole responsibility of the architect himself. But that was not the case. He had seen Mr. Barry that morning, and he stated that, as far as that portion of the building which was included in his original estimate of 707,104*l.* was concerned, that estimate had not been exceeded; but that expense beyond that estimate had been incurred in consequence of alterations and additions which had been suggested by various Committees and Members of Parliament, which alterations and deviations were not of course included in the original estimate. In the estimate of 2,000,000*l.* there were included large sums which might or might not be incurred, as the House determined to adopt or not to sanction them. He did not think that any practical advantage would be gained by going back beyond the year 1844, when a Committee of that House sat upon this subject. That Committee, in their report, stated that no blame was to be imputed to Mr. Barry, and they suggested certain alterations in the plan, which were considered to be for the convenience and advantage of the House of Commons. The hon. and gallant Gentleman was altogether mistaken in asserting that there was no plan on which the building was being proceeded with. There was such a plan, and it had been submitted to and approved by the Committee of 1844. The building up to the present time had been proceeded with in entire conformity with that plan; and when he saw Mr. Barry that morning he put this question to him—"Has there been since 1844 any alteration of importance, or which has entailed the outlay of any considerable sum of money, and which was not sanctioned by the Committee of 1844?" His (Mr. Barry's) answer was perfectly distinct, that no deviation to any extent had taken place, no expenditure of any considerable amount had been made, which was not in perfect conformity with the designs approved by a Committee of the House in 1844. The estimate of the expenditure at that time was, he believed, 1,016,000*l.*, the original estimate being 707,104*l.* But it should be recollected that the estimate of 707,104*l.* was for the building only. It did not include the purchase of the site, which, according to a return moved for in 1847, by the hon. Member for Montrose, amounted to 82,000*l.*; nor did it include the new river terrace. There was also a very considerable item of expenditure, which was not included in the original estimate, on account of the foundation, because when the workmen began to dig into the ground it was found to be a quicksand. The cost of these two items was about 109,000*l.* It was unnecessary for him to go over all the items; but the total excess over and above what was included in the original estimate amounted to 800,000*l.*; and then a sum of 497,000*l.* for fittings and decorations—the probable expense for which purpose was not included in Mr. Barry's estimate for the building. The hon. and gallant Gentleman wished for two estimates: the amount which was required to finish the House of Commons, with the lobbies, approaches, and library; and the amount required for the completion of the official Houses. Now, both these estimates were already on the table of the House. The estimate for the first was 102,180*l.*, and for the second 30,000*l.* The heads of expenditure not included in the original estimate of Mr. Barry, were the purchase of the site, the embankment of the river, the extra cost of the foundation, the approaches, the alterations made in consequence of the recommendations of that House, and the suggestions of some of its Members, the warming, ventilating, lighting, fixtures, decoration, furniture, and accidental charges; none of these were included in the original estimate of 707,104*l.* The hon. and gallant Gentleman said, there was no check over the expenditure. It was very true that the discretion of the Chancellor of the Exchequer was limited by the plan adopted by the House of Commons; and if he were asked his private opinion he would say that, in his opinion, a less ornamented and less expensive style of building would have been better; but the House of Commons having decided on the plan, they had now nothing to do but to carry it out as well as possible. But the Treasury, since the last two years, had sanctioned no expenditure other than what was in strict conformity with the original plan of Mr. Barry, and with the recommendation of the Committee of 1844, with the exception of the new gallery in the House of Lords for the reporters. [Mr. Osborne: That was because they could not hear in the old one.] With this exception, no other expenditure of any amount had been incurred that was not in conformity with the plan sanctioned by the Committee of 1844. The amount expended in consequence of the suggestions of the Committee of 1844 amounted to 41,000*l.*, of which 34,000*l.* was for ventilation. There was, however, some expense beyond that contemplated by the Committee, which he had sanctioned to the amount of 7,000*l.*, and the House would say whether he had exercised an ill-judged discretion. The first item of this kind was 1,500*l.* for an alteration of the main sewer, so as to cut off the sewerage of the House from the general sewerage in this part of the metropolis. He also sanctioned 1,200*l.* for a smoking room—and 3,000*l.* for certain alterations in the journal office, library room, and corridors, in order to afford greater accommodation to Members and to the clerks employed in those rooms. That was the amount of expenditure which he had taken upon himself to sanction, beyond what had been suggested by the Committee of 1844. He quite agreed with the hon. and gallant Gentleman, that they should first finish the useful parts of the House; and he had acted upon this opinion, because with the exception of certain contracts which had been entered into, and which could not be put an end to, the entire expenditure proposed for this year, or at least nine-tenths of it, was for the necessary accommodation of Members. A sum of 150,000*l.* was to be applied this year almost entirely to the finishing of the House, library, corridors, so as to have the House completely ready for Members by next Session of Parliament. A very small portion of that sum would be appropriated to the ornamental parts of the building, so that they might be carried on slowly, in order to avoid the great additional expenditure which would have to be incurred hereafter if they were suspended altogether. The hon. Gentleman said, that he hoped all the contracts of the Commission of the Fine Arts would be suspended. It had been the intention of Parliament that the building should be made conducive to the encouragement of the fine arts in this country. He thought that the House of Commons could not very satisfactorily discuss these questions of taste, and that they were better left to the Commissioners appointed for this purpose. He had, therefore, made an arrangement two years ago, which had been announced to the House of Commons; and, as he understood, approved by them, that the expenditure on this head was not to go beyond 4,000*l.* a year, and that an account of its outlay was to be laid before Parliament every Session. The account of last year's expenditure had already been given. He did not think it would be right to discontinue that expenditure, and he trusted that the House would not sanction that recommendation of the hon. and gallant Gentleman. As he had before stated, the information he required was already on the table of the House.

Sir B. HALL said, there certainly was an impression on the public mind that the Houses of Parliament were to have been completed for not much more than 700,000*l.*, and it was very unfair for a person in Mr. Barry's position to give in such an estimate as should delude the public by appearing to be so small, and then to come down and say the foundation was bad, and that it was necessary to expend more money to make it good. If any hon. Member had been building a house, and had engaged an architect, who had told him he could build it for 20,000*l.*, and he had found afterwards that it cost him 60,000*l.*, he would have applied rather a strong epithet towards the architect. They were placed in precisely the same position; and he thought the conduct of Mr. Barry was open to very severe censure. Now, the right hon. Gentleman said there had been no money expended without an adequate control being exercised over it. But he found that on the 21st of March, 1844, in a Committee of the House of Lords, where Mr. Barry was examined, that gentleman stated that he had made deviations from the original plans, and had incurred expenditure upon their account without consulting anybody. [The Chancellor of the Exchequer: But that was before 1844.] He was tracing the history of the case. Mr. Barry had no right to make any alterations without the sanction of the governing body at the time. He blamed Mr. Barry for this—that they would not have the building which was originally proposed, for the estimate of 707,000*l.*, but that it would cost 2,000,000*l.* or 2,500,000*l.* That was a matter of a very grave nature, and he was obliged to his hon. and gallant Friend for having brought it forward. Two years ago his hon. and gallant Friend had called attention to the subject, and he (Sir B. Hall) believed that from that time there had been more supervision over Mr. Barry. He thought they ought to have now a most distinct understanding from the Chancellor of the Exchequer what would be the exact sum required for finishing the whole—the time when the Houses would be completed, which would enable them to give up the temporary residences now occupied by the Speaker and officers of the House. Any one who had been in the New House of Commons lately must have seen the constant changes and consequent expenditure which had been going on. He went into the House about a month ago, and he then asked a man who appeared to be a superintendent there, what was the object of various things he saw there; and the answer he received was that the man could not tell, for there were so many alterations it was impossible for him to say what Mr. Barry intended to do. He remembered that on a particular Friday he went to the House of Commons and saw a large gallery at the end of the chamber. He went again on the following Tuesday, but the gallery was gone, and he was glad to remark the change. There had been differences between Dr. Reid and Mr. Barry, which had led to great expense; but he must say that never was he in any room which was better ventilated than the present House of Commons, and he thought great praise was due to Dr. Reid for it. He had been in the House when there was only a small number of Members present, and afterwards later in the evening, when there were between 500 and 600; but it would be found on the information of the messenger who attended to the thermometers that they seldom varied during the whole of that time more than from 2 to 3 degrees. Mr. Barry wished to get the whole matter into his hands, and to exclude Dr. Reid. They had had quarrels between themselves, and the House had been the sufferers. He would only add that he hoped Dr. Reid might continue to have the ventilation of the House.

Mr. T. GREENE said, he did not wish to relieve Mr. Barry from any of the responsibility attaching to him. At the same time he conceived they were bound to undertake their own share of the responsibility. As regarded the accommodation of the New House of Commons, finding that it was not sufficient, Mr. Barry had erected a gallery for Members behind the Speaker's chair, which being disapproved of, he had removed it again, though it was constructed to accommodate 120 Members. The next extension of accommodation was tried on the floor of the House, on either side of which six rows of benches had been put up; but it being found that they encroached too much on the width, and that the floor would be consequently too narrowed by them, one bench on either side had to be removed—and finally, a certain portion of the space allotted to strangers had to be encroached on. However, all these alterations had been sanctioned by the House; and he did not, therefore, see why the House should seek to avoid its own share of the responsibility, and throw it all over on Mr. Barry.

SIR W. CLAY thought the hon. and gallant Member for Middlesex had hardly made sufficient allowance for the great difficulties with which Mr. Barry had had to contend. All who had dabbled in bricks and mortar knew how hard a matter it was to keep within original estimates. If this was difficult when only one employer was to be consulted, how much more so must it be when there were a thousand, every individual of whom was at liberty to make suggestions and raise objections? It must be remembered that Mr. Barry had to deal with one of the largest buildings in the world, devoted to various purposes, and with respect to which he had scarcely any experience to guide him. After all that had been said, he believed the event would prove that Mr. Barry had solved the difficulty, and they would find themselves in a very comfortable and certainly a very handsome house, though he did not believe it could be more comfortable than the one in which they now sat. It was impossible to attempt an adequate defence of Mr. Barry, because that would involve the necessity of going through minute details to which the House would never listen; but the account furnished at the beginning of 1849 appeared to him to contain his complete defence. One cause of the increase of expense was the enormous cost of the foundations, and another the arrangements for ventilation. He quite agreed with the hon. Member for Marylebone that there never was a better ventilated chamber than the one in which they now sat; and any one who remembered the deadly atmosphere of the old House on a crowded night, must feel grateful to Dr. Reid. Perhaps, however, it was a mistake to give him coordinate power with Mr. Barry in making the arrangements. With respect to the alterations, they had been approved by the Committee; and the explanation of the right hon. the Chancellor of the Exchequer showed how slight they had been since 1844. It had become very much the fashion to undervalue the design; but, speaking the opinions of many more competent judges than himself, he had no hesitation in saying that it would be a noble and magnificent work, and would reflect high honour on the architects when they were gathered to their fathers. If objections might with justice be made to the site and order of architecture, let it be remembered that the Legislature was answerable for both. He doubted now whether they had made a wise choice as to the latter. ["Hear, hear!"] It was very well to say "Hear, hear," now; but hon. Members should recollect that the order was chosen almost unanimously. Probably the flowing continuous lines of Grecian architecture might have been better adapted to so vast a pile; but taking it all in all, he believed it would be as fine a specimen of architecture as the world had ever seen.

MR. DRUMMOND said, that the people's attention was directed to this point—we had been for some time past spending three millions of money to make a House of Commons, which, after all, we had not got. It might be very true, as had been stated, that the House of Commons originally made choice of the style of architecture adopted in the building; but it seemed very extraordinary that none of the intelligent gentlemen composing the commission to whom the architect's plan was referred, seeing a blank space to represent the interior of the House of Commons, should ever have thought of ascertaining that it would hold the persons for whose accommodation it was destined. There was no difficulty in determining the point. The commissioners had only to take the fattest Member they could find, and multiply him by 658. [Sir W. CLAY: The House would then have been too large.] Then the commissioners might have taken a spare Member, and if he had been in the House he would have had no objection to serve as the model himself. Here was a gentleman who was called the best architect the country possessed, aided by several intelligent Lords and Gentlemen, and, after all, they had not built a house fit for its object. It was a great absurdity. He had no doubt that Mr. Barry had considerable difficulties to contend with, and it was not fair to lay all the blame on him; but it was useless to disguise the fact—make what alterations you please, you must at last knock down one end of the present House of Commons. ["Hear."] That must be done and the building extended, or there would be no room for Members in their own house. He had had some experience with respect to ventilation, for he had had the misfortune or pleasure to build more houses than one; and he found that there was no question of practical science so difficult to deal with as that of ventilation. Many men expended large sums on apparatus for warming their houses, and when winter came they found that their rooms were as cold as ice cellars. One thing at least ought to be decided on with respect to the New Houses of Parliament—all display of ornament should be put a stop to until essentials were completed. Nothing could be more absurd than to go on spending money on pictures which would not fetch *5l.* if they were to be hawked all through Europe. An opinion prevailed in this country that we were great lovers of the fine arts. We had plenty of money, and it was thought we had only to spend it to create as many Raphaels and Michael Angelos as we pleased. Depend on it, money would never make art. As regarded the brilliant external ornaments of the New Houses, they would all be utterly thrown away but for the probability of their forming the most magnificent aviary for swallows and sparrows the world ever saw.

Colonel SIBTHORP believed it would be admitted that their ancestors transacted better and more important business in the Old Houses of Parliament than was transacted in the present, or was likely to be transacted in the New Houses. He was aware there existed a feeling out of doors that many portions of the New Houses were in a crumbling condition already, owing to the quality of stone used in their construction. He hoped that, if untrue, that report would be contradicted. They had already paid a large sum of money, more than four times the original estimate: and he hoped the House would be informed as to how much more would be required to complete them, as also when they could obtain possession of them.

Mr. COBDEN thought that great good would come of the discussion raised on the question, inasmuch as the responsibility—which had long been a debated question—had now been fixed on the House. He feared much that the total expenditure would one day be revived and brought as an indictment against that House and the constitution of it. But what was done was done, and there was no use complaining. It appeared they started on an estimate of 700,000*l.*, and that they had now reached some two millions. He had heard it stated that a certain nobleman—a very competent judge in such matters—had estimated the eventual cost of the works as likely to be nearer four than two millions; and he (Mr. Cobden) would confess he had a strong supposition they were travelling to that extent. Therefore, he was anxious the House should take the responsibility on itself. He could not see why the House, when voting money, should place the control of that money in hands outside the House, or, why there should not be a committee of the House to manage it. He thought there should be a permanent committee, at least during the Session, sitting, who would be charged with all responsibility. As regarded the estimates for work done, he would observe that the estimate then before them was given without any reference to the sums previously expended. Why not adopt the same plan in regard to the estimates for the building of these houses, that was adopted in reference to the other miscellaneous estimates? He would venture to suggest in future, when the estimates were being given, that the original estimate and the subsequent expenditure should be set forth, leaving a margin wherein to state the probable future expenditure. There would be an advantage in such a plan, because then it would be prominently brought before the minds of hon. Gentlemen every year; and the attention of the House, as well as of the country, would be called to the outlay. He begged to suggest, as a means of providing against future extravagance, that the Chancellor of the Exchequer would give them to understand that the same plan would be adopted in reference to this as to other estimates.

Captain BOLDERO could never understand why Mr. Barry had been left without any control. Even at the eleventh hour those buildings might be placed under the superintendence of the Ordnance Department, or of the Woods and Forests. An expenditure much in excess of the estimates was usual where there were underground works; but there was no instance in which the original expense of such a building as the new Houses of Parliament had exceeded the estimate three times.

Colonel SALWEY attributed the large

expenditure on the New Houses to the circumstance that they had been designated by the magniloquent name of "palace." When Her Majesty, with the unostentatious taste for which she was distinguished, was content with the humbler designation of a house, surely her faithful Commons might content themselves with an edifice of humbler pretensions. He begged to ask the hon. Member for Lancaster how many Members could be accommodated in the New House?

Mr. T. GREENE replied, that in the New House, with the recent modifications, the number of sittings for Members was 446; in the present House with the galleries the number was 456; in the Old House there were only 387 sittings for Members.

Sir B. HALL wished to know what number the body of the House and galleries would contain?

Mr. T. GREENE replied that the number on the floor was 277, the number in the present House being 296. The number in the gallery of the New House was 133, and with an addition of 66 would amount to 199.

Sir B. HALL wished to know what number of Members could be accommodated in the New Houses, first in the body of the House, next in the side galleries, then in the gallery opposite the Speaker's chair: also the accommodation for the public as compared with that in the present House, and the accommodation for Peers.

Mr. T. GREENE had not separate returns. Supposing the gallery behind the Speaker's chair allotted to strangers, that would hold 120. The present Speaker's gallery held 44, and the strangers' gallery, 70.

Mr. Alderman HUMPHERY advised his hon. Friend to have a body of the metropolitan police seated in the New House; the capacity of the New Coal Exchange had been so tested.

Mr. T. GREENE observed, that a battalion of Guards had been marched into the present House when it had to be tested. He hoped the worthy Alderman would attend in his place if an experiment were made to test the capacity of the New House.

Mr. Alderman HUMPHERY had complained of the New House from the commencement, but his remonstrances had been scouted. Each lobby would not contain more than 150 persons, and if 250 went, on a division, into the lobbies they would be suffocated, as in the black hole of Calcutta. The New House was a perfectly ridiculous composition, which reflected no credit on anybody who had anything to do with it.

Colonel SIBTHORP inquired whether the stone used in the new buildings was already in a state in which it ought not to be?

Mr. GREENE was not aware that there was any reason whatever to complain of the stone. There might be a stone here and there defective; but, as a whole, the stone was in a very satisfactory state. The Geological Society had adopted the same stone for their own building.

Sir H. VERNEY said, that the impression left on his mind by serving on the first Committee on this subject, after the destruction of the former House, was that it was important for the transaction of business that the House should not be too large. If it accommodated conveniently from 150 to 250 Members, and could admit a crowded House with some sacrifice of convenience, that would be better than a very large building in which the small average number of Members attending the House would be comparatively lost; but he rose only for one purpose, to urge the Committee to admit no more delay in completing the House. The more delay that took place, the more experiments would be tried; the more expense incurred, the more especially of that expense to which he had a peculiar aversion, that for temporary accommodation. He addressed himself to this subject with great freedom, because he, together with the hon. Member for Montrose, had exerted himself perseveringly in this Committee to obtain a different site for the Houses of Parliament, as well as another style of architecture. He could not sit down without expressing his concurrence in the observations of the hon. Member for Marylebone, with reference to the good ventilation of the present House. Those who had sat in the old one would recollect how very bad its atmosphere frequently was.

Mr. BANKES had heard the House of Commons blamed for many wasteful experiments. The root of the evil lay in the resolution to build an immense edifice merely because the chamber occupied by the Commons had been burnt down. The Lords had the complaisance to give up their chamber to the use of the Commons, and to rest contented with inferior accommodation. The House, however, must bear its share of the blame; but the Government of the day ought to bear a much larger, because it was they who laid the estimates before Parliament; and here he begged to say that it was not always very easy for Members to know when Government intended to bring forward particular parts of the estimates, and that if it had not been for the astuteness of the hon. and gallant Member for Middlesex, he doubted whether the House would have had an opportunity of discussing the present question. For himself, he had taken every opportunity he could get of protesting against the wasteful expenditure which had so long gone on with regard to the new Houses; and if the hon. and gallant Member for Middlesex would move a resolution clearly expressing dissatisfaction on that point, he would vote with him. With respect to the arrangements of the New House, he begged to say that there was one which would be productive of great inconvenience—he meant the distance between the library and the interior of the House, which, he feared, would often lead, as in the old House, to Members being shut out from a division which they had perhaps been all night waiting for. He begged to observe, also, that when the Houses were finished, the expense of keeping them up, of ventilating, warming and lighting them and their labyrinths of passages, would be enormous. That was, perhaps, past all remedy, but it was still in their power to control to some extent the expenditure with regard to elaborate decorations.

Lord R. GROSVENOR said, that the House having heard from the hon. Member for Lancaster a statement of the capacity of the New House of Commons, it might be interesting for them to know what were the resolutions of the Committee of 1835 with reference to this question. That Committee stated that in their opinion the body of the House should contain sitting room not for 277 Members, but for from 420 to 460 Members—that adequate accommodation for the remainder should be provided in the side galleries—that, in addition to a gallery behind the Speaker's chair, there should be one at the lower end of the House large enough to accommodate not 120 but 200 strangers—and that retiring rooms should also be provided for strangers to occupy when the galleries were cleared. Where these imaginary retiring rooms were he did not know. The Committee also recommended that accommodation should be provided for Members of the other House, and for distinguished individuals, to the extent of at least 100 sittings; whereas the space actually set apart for that purpose, and which reminded him more of the pens of Smithfield than anything else, would accommodate little more than half a dozen individuals. He did not wish to say anything against Mr. Barry; but he would simply ask what would a private individual do if he were told that instead of the original estimate of 700,000*l.* being sufficient to complete his house, it would probably amount to between 2,000,000*l.* and 3,000,000*l.* ? Would any man in such a case recommend the architect to his friends—especially if he found that after incurring that expense every inconvenience which had been experienced in the old House had been tenfold increased ?

Mr. CUBITT said, there appeared to be three subjects on which dissatisfaction was felt—namely, expenditure, time, and space. On the first point it had been said that the foundation was known before the estimate was presented. That observation was applicable only to the foundation of the river wall. As regarded the great mass of building, no one could tell what cost the foundation would involve. It was easy enough to estimate the expense of an ordinary style of building; but this was a description of building with respect to which architects could not have had much experience. The drawings laid before the contractors could convey no idea of the expense subsequently incurred. There was no drawing which would give a correct notion of the expense of the florid and ornate style followed by the architect; and from what he (Mr. Cubitt) had seen, he must say that if he had attempted to make an estimate from the drawings, it would not have covered the expense of the building when finished. As one who had some regard for his country, and who felt some pride in having a seat in that House, he thought the country had done well when erecting a structure which would probably last for centuries, in making it as good a work of art as could possibly be made. In his opinion, there was no building in Europe, whether ancient or modern, which could compete with that which was deservedly termed the New Palace of Westminster; and a country which could spend between fifty and sixty millions annually, should not, for such a purpose, grudge an expenditure of two or three hundred thousand pounds a year for ten or twelve years.

MR. B. OSBORNE thought that whatever might be the effect of this debate in the House, it would be certain to produce one effect out of it, and that was, to show that in the management of their own affairs they were totally incompetent. What was the history of this debate? The Chancellor of the Exchequer had defended the share which the Government had had in the building; the Commissioner appointed by that House had defended the Commissioners; the hon. Member for Bedford had eulogised the ventilation; the hon. Baronet the Member for the Tower Hamlets had eulogised Mr. Barry, and had told them that they might think themselves lucky in having employed him, because posterity would undoubtedly regard this as the finest building in the world; and last of all came the hon. Member for Andover, and said, that this great country ought not to complain if they were cheated out of double the amount of the original estimate. With respect to what had fallen from the hon. Baronet the Member for the Tower Hamlets, he begged to say that it would afford little consolation to hon. Gentlemen who were being starved to death in the committee rooms, or to those who would hereafter be cramped to death in a House which could only accommodate 270 Members on the ground-floor —it would, he said, be little satisfaction to them to be told that posterity would regard it as the finest building in the world. He was surprised that the Chancellor of the Exchequer, in his defence, had given the go-by to what he had said about the extravagant expense which was incurred for temporary buildings to supply the place of the official residences which Mr. Barry, in 1842, promised should be completed in eighteen months. It appeared, too, from a return issued in 1849, that whereas the sum originally agreed to be paid by way of commission to the architect was 25,000*l.*, a claim was now made for 72,000*l.*; and though the Chancellor of the Exchequer was in conflict with him upon the point at this moment, he should not wonder if he had to succumb. He called upon the Government, whom alone he regarded as responsible for the expenditure, to remodel the Commission which superintended the building; and he suggested that two additional Members should be added to Lord Sudeley and the hon. Member for Marylebone. ["No, no!"] He mentioned the hon. Baronet, because he knew he had the power of saying no, and could shut his ears to the blandishments of Mr. Barry. He called upon the Government to adopt steps to take the matter out of the hands of the hon. Member for Lancaster and the other Members of the Commission. As regarded the general arrangements of the New House, a room providing on the floor for only 270 Members, and for only about 15 Peers, instead of being an honour to the country was a disgrace to the House of Commons, and a satire on its character; and with reference to the future, it was necessary that immediate steps should be taken to bring Mr. Barry under some sort of control.

The CHANCELLOR OF THE EXCHEQUER said, it was not easy to please so many masters. He denied that either the present Government or the present House of Commons was responsible for the expenditure, which was sanctioned fifteen years ago. He considered himself as being responsible only for the expenditure which had taken place since he became Chancellor of the Exchequer. He repeated what he had said before, that the greater portion of the expense which had been complained of had been sanctioned previous to the appointment of the Palace Commissioners—an appointment which was strongly advocated by the hon. and gallant Member for Middlesex, and unanimously approved of by the House. No allegation had been made of want of control over the expenditure since that appointment; and it was rather hard, therefore, that because there was a want of control before, although there had been none since, they should visit these Commissioners with censure which they did not deserve. With regard to what the hon. and gallant Member for Middlesex had said about the temporary buildings, he did not think that the expense was at all extravagant.

SIR DE L. EVANS wished to call the attention of the House to the expenditure which had been incurred in consequence of the recommendations of the Commissioners on the Fine Arts. When he looked over the names of the twenty Commissioners, he felt something like awe in venturing to find any fault with their decisions; and if he thought that the majority, or anything like the majority, of the Commissioners were aware of what had taken place, he should hardly dare to say a word. Probably, however, in this case, as in others, one or two active persons, or the Secretary, did the work of the Commission, and the report went forth to the world with the sanction of authority. There was in the estimate now under consideration a sum of 1,000 guineas for three pictures to ornament the refreshment rooms of the Peers. He took this merely as an illustration of the lavish spirit which had presided over the whole of these transactions. He was glad to find that the right hon. Gentleman the Chancellor of the Exchequer was prepared to admit the principle that all expenditure for ornamental purposes should be suspended till the useful parts of the building had been completed; but there was one little exception of 4,000*l.* a year, which, he thought, might be allowed for decorative purposes in the department of the fine arts. Assuming this to be the proper limit, he objected to the mode in which the encouragement proposed to be given to the fine arts was to be carried out; and, instead of having an account of the manner in which the distribution of encouragement had been made during the past year, he would rather have the items of the money proposed to be spent in this way for the next year. In the present estimate, the House of Commons were informed that 4,950*l.* had been laid out during the past year in a manner which was now beyond their control. Thus 200*l.* was put down for one quarter's salary to Mr. Dyce for painting the Queen's robing-room, and 300*l.* for a cartoon and fresco of St. Cecilia, in the upper waiting-hall. Next, there was an item of 400*l.* for a cartoon and fresco of Lear and Cordelia, also in the upper waiting-hall; and no less than 1,800*l.* was set down for models for statues for the House of Lords. If this was the sum charged for the models, he wanted to know what the statues themselves would cost? He should positively oppose the vote for 1,050*l.* for Mr. Landseer's three pictures for the Peers' refreshment-rooms, though this was a mere trifle in the recommendations of the Commissioners. If the House went on from year to year with 4,000*l.* as the limit for decorations, it would require fifty years to complete the ornamental part of the structure if the recommendations of the Commission were to be carried out. With regard to the three pictures for the Peers' refreshment rooms, they could not be seen by the public at all; because they were placed in the dining-room of the House of Lords, and even the Peers themselves used the apartment but seldom. The light in the room was very imperfect, and noble Lords had not partaken of dinner there, as he was told, for the last two months. He understood that 670 statues had been recommended for erection, all of the heroic size, made of bronze, and covered with unburnished gilding. He did not deny that the present was a fit opportunity for promoting the fine arts, but he thought that some limit ought to be placed upon the expenditure incurred. He found that Lord Sudeley, a noble Lord who was as accurate a judge on matters of taste as any person, said, in 1844, in answer to some observations by Mr. Barry—

> "If the buildings of the Houses of Parliament are meant for the fine arts, Mr. Barry may be correct in his observation; but I consider that the Houses of Parliament are built for no such purpose, and that though the fine arts ought to be called in for the purpose of embellishing them, no necessary architectural arrangements should be altered upon their account."

He would ask the Chancellor of the Exchequer to inquire what orders had been given to the artists employed, for he should be very sorry to do anything harsh towards them, as they were not responsible for what had been done. He observed that there were "engagements entered into, but not yet paid," in this estimate, and a sum of 2,250*l.* was put down for these engagements next year.

The CHANCELLOR OF THE EXCHEQUER said, that his hon. and gallant Friend had admitted that the present was a fit opportunity for encouraging the fine arts; and he would remind the House that this matter had been already considered and settled. With the sanction of both Houses of Parliament this Commission was appointed, and he must say, with all deference to the House of Commons, that they would make a very bad committee of taste. What had passed to-night convinced him that they were the worst possible body to select or to superintend the execution of works of taste. He thought that the arrangement made two years ago was the best arrangement that could be made under the circumstances, and he disclaimed the expression of any opinion on what had been done. The House, however, would forgive him for saying that a selection made by them would not be likely to lead to a satisfactory result. On the question of the sum to be allotted for the purposes of decoration, the Treasury was supreme, and not the Commissioners; but the distribution of a sum of 4,000*l.* was left to their discretion, and he thought that their discretion was better than any which the House of Commons could exercise. Of course the House might at any time refuse a vote; but, upon the whole, he thought the matter had better be left where it was.

MR. STANFORD wished to know whether the hon. and gallant Member for Westminster made his objections from economical views? With regard to the fine arts, he was sure that hardly any hon. Member could be found who would not admit, that before the Commission had been appointed in connexion with the building of the Houses of Parliament, the school of historic art had been always wanting. In a valuable little work, called the *Fine Arts Almanack*, it was stated that the great historic school of art had not arisen until the burning of both Houses of Parliament had exposed the nakedness of the land relative to historic painting. When we viewed the great exhibition of cartoons and oil paintings which had followed that calamity, there was no Englishmen but felt the opprobrium that had hung upon this country in the want of this school of art. The splendid works of genius that were then produced gave a triumphant contradiction to the charge of being deficient in great painters, and relieved this country from the charge that had heretofore stood against us. It was known to every *dilettante* that it was impossible to give full encouragement to the arts unless they furnished large and spacious walls for exhibiting frescoes and historical pictures. The only opportunity they had for encouraging such arts was, when they were erecting large buildings like these New Houses of Parliament, and when they could command the talents of the ablest men in the profession. It was becoming a great nation like this to take a high stand in the historical school of art. Even looking at the question in an economical point of view, he was ready to meet the objections of the hon. and gallant Member for Westminster. The hon. and gallant Member must admit that it was beneficial to the manufacturing interest to form a high school of design, and every one knew at what a disadvantage our manufacturers would be placed in competition with the productions of foreign countries if we had not this school of design. On all these grounds he thought that this sum of 4,000*l.* yearly for the encouragement of the school of arts and the promotion of the school of design was the most economical and beneficial vote that this House could come to. He hoped that this vote would have the effect which we all so much desired—that men of talent, taste, and judgment, would be chosen to give effect to and to execute these designs. No one could read the name of Edwin Landseer without feeling persuaded that we had chosen one of the greatest artists in this or any other country. He felt that the Committee would be fully justified in agreeing to this vote.

SIR B. HALL said, that what his hon. and gallant Friend the Member for Westminster generally objected to was not the appropriation of 4,000*l.* per annum to the particular purpose, but the arrangement that the application of the sum was not to be subject to the previous sanction of the House of Commons; and what he especially objected to was, that 1,050*l.* should be given for pictures which were to be put up in a place where nobody but the cooks and waiters of the House of Lords, or perhaps a stray Peer or two, would see them. He quite concurred in his hon. and gallant Friend's objections. His hon. and gallant Friend had mentioned the proposed item of 1,800*l.* for models of statues for the House of Lords. He did not know whether other Members had seen any of these models: he had. The Commission, in their eighth report, gave an account of their having deputed a Committee to inspect these models, and set forth how the Committee, adapting their views to the narrow niches to which the statues were fated, restrictive of anything like attitudes, sanctioned for the statues a severe form, free from violence of action. The Committee was aware that the first statues to be erected were eighteen in number, representing the prelates and barons who signed Magna Charta. Anxious to observe the effect of this particular encouragement of the fine arts upon sculpture, he called upon a countrymen of his, Mr. Thomas, of Belgrave-place, well known for many admirable productions, and there saw the models in the required severity, of the Archbishop of Canterbury and the Earl of Pembroke of the time. He asked Mr. Thomas how it was that the statues had such extremely narrow shoulders, for they were narrower from shoulder to shoulder than any man he (Sir B. Hall) ever saw in his life. Mr. Thomas replied, "Mr. Barry will not allow us room for them." [*Laughter.*] If any hon. Member doubted his assertion, let them go to Mr. Thomas's studio, and see how the barons of old have been curtailed of their fair proportions. This, then, was the way in which they were encouraging the fine arts. It was preposterous that the architect, who had designed the gaudy and meretricious looking chamber for the meetings of the Lords, should not give the artists who were called upon to decorate that room sufficient space for their subjects. The hon. and gallant Member for Westminster had alluded to the pictures which were to be placed in the refreshment room of the House of Lords. The Commissioners stated in one of their reports, that they were of opinion that the conditions of light in that room, and other circumstances, were such as to render it questionable what subjects and styles of painting would be adapted to the department; and they subsequently recommended that Mr. Edwin Landseer's paintings should be placed in that room, one of the worst in the building, and one to which the public would not have access. It was well known that Mr. Edwin Landseer was at the very head of his branch of the profession; and the Commissioners ought, therefore, to have selected some room for his paintings where they could be seen to advantage. Looking at the question in an economical point of view, he (Sir B. Hall) would say, that if 40,000*l.* or 50,000*l.*, instead of 4,000*l.*, would advance the progress of art in this country, he would gladly vote for grants to that amount; but he objected to voting money for the purchase of works of art which were to be excluded from public inspection.

VISCOUNT MAHON did not feel himself entitled to make any statement on behalf of the Fine Arts Commission, to which reference had been made; but, as a member of that Commission, he wished to offer to the Committee a few remarks on this subject. The hon. and gallant Member for Westminster had stated his opinion that of the many distinguished men whose names appeared on the Commission very few took an active part in the proceedings of the board, and that probably all the work was done by the Secretary, or by one or two active persons who co-operated with him. He (Lord Mahon) could assure the hon. and gallant Member that he was altogether in error on that point. The hon. and gallant Member need not, however, take this assurance merely on his (Viscount Mahon's) authority. The meetings of the Commissioners were regularly mentioned in the public papers, and the names of the members who attended were given; and if the hon. and gallant Member took the trouble to examine the list of meetings, he would find that they were generally fully attended. But, further, the reports of the Commissioners were sent round to each Commissioner for consideration and approval, and any Commissioner who did not approve of the reports would withhold his signature. The hon. Member might, therefore, be able to judge from the signatures attached to each report whether the recommendations contained in those documents were or were not consonant with the opinions of the majority of the body. The hon. and gallant Member had further said that the Commissioners had recommended the erection of several hundred statues; but on that point also he was in error.

SIR DE L. EVANS explained that he had said that the erection of these statues was recommended in reports laid before the House by the Commissioners; but, while some of those reports were the reports of the Commissioners themselves, others did not come directly from them, although under their authority.

VISCOUNT MAHON said, the matter stood thus: The Commissioners designed to erect a certain but a smaller number of statues. In the first instance, they appointed a Committee to consider the names of those persons who might justly claim such an honour, and the Committee sent in a very extensive list of persons who had been distinguished in the history of this country, or for their attainments in science and literature. That, however, was merely a table for selection, and the number of statues actually sanctioned by the Commission, independently of the statues for the niches in the House of Lords, if he remembered rightly, did not exceed eighteen. The hon. Gentleman had, therefore, mistaken the general list for subsequent selection for the list for actual execution. With regard to the pictures which it was proposed to place in the Peers' refreshment room, the Commissioners had felt that in an undertaking for the promotion of British art, they would but inadequately consult the interests of that art if they did not accord a place to the distinguished genius of Mr. Edwin Landseer. That gentleman was so eminent in his own branch of art, that the Commissioners felt it incumbent upon them to find some place where his productions might be placed, and he was commissioned to paint three pictures. The hon. and gallant Member for

Westminster had, on a former occasion, raised a laugh in the House by observing that the subjects of those pictures were connected with the chase; but if the House concurred in the opinion that some tribute was due to the genius of Mr. Edwin Landseer, they could hardly expect that genius to be exerted on any subjects but those on which it had been so conspicuously displayed. The hon. and gallant Member for Westminster and the hon. Member for Marylebone took exception, however, to the apartment in which it was proposed that these pictures should be placed—the Peers' refreshment room. He (Viscount Mahon) would state explicitly that he believed the Commissioners would have been very desirous to find some other site for them, and on two occasions a considerable body of the Commissioners visited various rooms in the new Houses with the view of ascertaining whether any more appropriate site could be found; but considering the subjects of those pictures, which would not be suitable to every kind of decoration, and considering, also, the manner in which the spaces in other apartments were intended to be supplied, the Commissioners, after anxious consideration, came to the conclusion that no place would be more suitable, or less unsuitable, for Mr. Edwin Landseer's paintings than the apartment which had been selected. It never was their intention, however, that the public should be excluded from the advantage of inspecting these pictures. The time for the inspection by the public of the Houses of Parliament, and of the apartments connected with them, would be in the morning, when the Members were not engaged in the transaction of business; and the Commissioners certainly intended that the Peers' refreshment room, with any pictures it contained, should be as accessible to the public as any other portion of the building. With respect to the niches for statues in the House of Lords, he did not think any blame could justly attach to the architect on account of their size, for it was obvious that if it had been desirable to afford a greater play of limb or development of figure to the statues, they need only have been made somewhat smaller. The Committee would remember, however, that the statues for these niches were those of the Barons who signed Magna Charta, and it would be necessary for the artists to adhere to the costume and style of art of that period which, as they knew, was marked by a certain rigidity and want of play of limb. The Commissioners had not come to their conclusions without careful deliberation; they had presented yearly reports, they had been in constant communication with the Government; and under these circumstances he hoped that the House might not be inclined to take any course implying blame to them, or cancelling the decision at which they had arrived.

Mr. B. OSBORNE said, the noble Lord told them that the Commissioners had selected the least unsuitable situation they could find for Mr. Edwin Landseer's pictures. They were, however, to be put into a dark room, resembling the cabin of a ship, where they could not be seen for two hours any day in the year. He (Mr. Osborne) denied altogether that the New Houses of Parliament were built for the purpose of encouraging the fine arts. It was very well for Gentlemen to tell them that they were to encourage the fine arts by giving large sums of money to artists at the top of their profession; but he challenged any one to show that the fine arts had been encouraged by such means. He objected, however, to the pictures of Mr. Edwin Landseer, who was at the top of his profession not only in this country but in the world, being placed in the cabin to which it was proposed to consign them. It was very well for some nineteen noble Lords and *dilettanti* Gentlemen to meet in the morning, and spend the public money in encouraging the fine arts; but he objected to this Fine Arts Commission altogether, and if any one would second him he would move its abolition, and would divide the House on the question. The Members of that House had a duty to perform beyond that of a commission of public taste. They were supervisors of the public purse; and he objected to the expenditure of large sums of money upon Barons with narrow shoulders who were to be crammed into the inconvenient positions they had heard described. Certainly such narrow-shouldered Barons would never have wrung Magna Charta from the Crown.

Colonel RAWDON thought that House was of all places the least suitable for a discussion on the fine arts. He might state, however, that he had been a Member of the Committee of that House which originated the commission that had been referred to, and one of their principal subjects of consideration was how far the erection of the New Houses might be made the means of promoting the fine arts in this country. The determination of that Committee caused a great sensation among young artists, who looked forward to opportunities which had never before been afforded them of exercising and displaying their talents. He was astonished that the hon. and gallant Member for Westminster should talk of the lavish expenditure on these objects, and should say that it had not tended to the advancement of art. If that hon. Gentleman looked at the frescoes which had been painted in the House of Lords by young men who were previously almost unknown, in a material which was perfectly new in this country—if he abserved the extraordinary execution of Mr. Dyce's fresco, and also the admirable manner in which Mr. Maclise had accomplished his painting, would he then maintain that nothing had been done for the promotion of art? The hon. Member for Marylebone had found fault with the statues; but if hon. Gentlemen went into Westminster Abbey, or any other Gothic building, they would find that the statues were, as had been said, in a position of rigidity, and that any violence of action would be totally at variance with the style of the buildings they were intended to adorn.

Lord C. HAMILTON said, that when the commission was first established, it was not understood that the New Houses of Parliament were to be galleries for pictures and statues. The whole proceedings connected with the erection of the New Houses had been marked by the most disgraceful bungling, and an utter absence of everything like management. At first it was a question whether 200,000*l.*, 300,000*l.* 500,000*l.*, or 700,000*l.*, should be expended in all. The latter estimate was ultimately selected, and how closely it had been followed, the House and the country were now aware. If the object were to build a House of Parliament which should serve as a picture gallery and a sculpture gallery, let an architect be appointed who could adapt the building for those purposes, and not one who prepared niches for figures so small that they were obliged to be denuded of their arms and shoulders before they could be got in them. Then, they were told of the importance of encouraging historical painting in the decoration of these buildings. He did not understand much of the fine arts, it was true, and that might account for his being totally at a loss to see how placing these pictures, illustrative of the chase, in the refreshment rooms, where they would be concealed from the public, could be any encouragement to historical painting. With regard to the honour which would be done to the genius of Mr. Edwin Landseer, by giving him the order to paint these pictures, it was well known that that eminent painter was constantly solicited in vain to paint by noblemen and others, who were anxious to become possessed of his pictures at any price; and to ask him to pain pictures for the purpose of decorating the walls of a dark room, which would be closed the greater part of the year, and where they could be seen for scarcely two hours a day when open, was absurd. Instead of encouraging, this looked very like burying high art. Unless they opened the Houses of Parliament, including galleries, lobbies, and refreshment rooms, wherever there were pictures, all the year round to the public free, and without the necessity of applying for tickets, it was useless to talk of it as a national encouragement to the fine arts. He should vote for the proposition of the hon. and gallant Member for Westminster, not with the view of casting any slur on the commission, or of disputing the high art of Mr. Edwin Landseer, but because of the unfitness of the room in which the pictures were to be placed.

Colonel DUNNE protested against sums being lavished upon objects of national vanity, while the hospitals of Dublin were to be robbed of the trifling sum they had hitherto received. He appealed to the hon. and gallant Member for Armagh, and every Irish Member, whether they could vote for such an appropriation of public money. Much as they were in Ireland called blunderers, he did not think they would there have erected a hall for a particular purpose, and then find out, when it was built, that it would not hold the 650 Members who were to assemble in it.

Colonel RAWDON said, it was most unjust to him to let it go forth to Ireland that he wished to rob the hospitals of Dublin to lavish the money on the refreshment room of the House of Lords. There was no hon. Member more anxious for the prosperity of those establishments.

Colonel DUNNE assured his hon. and gallant Friend that he never supposed that he wished to rob the hospitals: he had the sincerest regard for his hon. Friend.

Sir De L. EVANS did not, by the proposition which he had made, intend to cast any reflection on the Commission of the Fine Arts, or on the distinguished artist who had been named. He objected to the subject of the pictures, while so many other more suitable pictures illustrative of events in the history of this country, in Europe, or the East, could be placed there.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 103,660*l.* be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March, 1851, the Expense of the Works at the New Houses of Parliament."

The Committee divided:— Ayes 94; Noes 75: Majority 19.

List of the AYES.

Adderley, C. B.
Alcock, T.
Archdall, Capt. M.
Arkwright, G.
Bailey, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Bass, M. T.
Berkeley, hon. H. F.
Best, J.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Bouverie, hon. E. P.
Boyd, J.
Broadley, H.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. G. H.
Cayley, E. S.
Chaplin, W. J.
Childers, J. W.
Clifford, H. M.
Cobden, R.
Colvile, C. R.
Crawford, W. S.
Dalrymple, Capt.
Disraeli, B.
Dodd, G.
Drummond, H.
Duncan, G.
Dunne, Col.
Du Pre, C. G.
Estcourt, J. B. B.
Evans, J.
Fagan, W.
Farrer, J.
Goddard, A. L.
Granger, T. C.
Greene, J.
Grogan, E.
Hall, Sir B.
Hamilton, Lord C.
Hardcastle, J. A.
Hastie, A.
Heyworth, L.
Hildyard, R. C.
Hood, Sir A.
Hotham, Lord
Johnstone, Sir J.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Law, hon. C. E.
Lennox, Lord H. G.
Lushington, C.
Mackie, J.
Macnaghten, Sir E.
Manners, Lord J.
Milner, W. M. E.
Molesworth, Sir W.
Mowatt, F.
Newry & Morne, Visct.
Ogle, S. C. H.
Ord, W.
Pechell, Sir G. B.
Plowden, W. H. C.
Repton, G. W. J.
Romilly, Col.
Salwey, Col.
Sandars, G.
Scully, F.
Shafto, R. D.
Sibthorp, Col.
Smith, rt. hon. R. V.
Smollett, A.
Stanley, E.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stuart, Lord D.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Waddington, H. S.
Walmsley, Sir J.
Westhead, J. P. B.
Williams, J.
Wood, W. P.
Wyld, J.

TELLERS.
Evans, Sir D. L.
Osborne, R. B.

List of the NOES.

Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Bellew, R. M.
Berkeley, Adm.
Bowles, Adm.
Brockman, E. D.
Brotherton, J.
Busfield, W.
Butler, P. S.
Campbell, hon. W. F.
Clay, J.
Clay, Sir W.
Cockburn, A. J. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Forster, M.
Freestun, Col.
Grace, O. D. J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Harris, hon. Capt.
Harris, R.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hope, H. T.
Howard, hon. E. G. G.
Jervis, Sir J.
Jones, Capt.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
M'Neil, D.
Mahon, Visct.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Mundy, W.
Parker, J.
Pelham, hon. D. A.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Russell, F. C. H.
Scholefield, W.
Seymour, Lord
Sheil, rt. hon. R. L.
Simeon, J.
Smith, J. A.
Smith, M. T.
Somerville, rt. hn. Sir W.
Stanford, J. F.
Tancred, H. W.
Thornely, T.
Townshend, Capt.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Hill, Lord M.
Howard, Lord E.

The two next votes, namely, (5.) 300*l.*, Works, Isle of Man; (6.) 92,874*l.*, Holyhead Harbour, were agreed to.

SUPPLY—PUBLIC WORKS (IRELAND).

Motion made, and Question proposed—

"That a sum, not exceeding 18,093*l.* be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; also the Expense of Inland Navigation and other Services under the direction of the said Commissioners, to the 31st day of March, 1851."

MR. COBDEN called attention to the fact, that there was comprised under this vote one item of 12,000*l.* for the repair of the road from Holyhead to Shrewsbury. He could not understand on what pretext it could be justified that the cost of repairing the road in question should be charged upon the imperial resources of the country.

MR. HAYTER explained that the duty of keeping the road in repair devolved by Act of Parliament on the Commissioners; and, as they had no funds out of which to defray the expense of such an undertaking, they had no alternative but to apply to that House for an estimate.

MR. COBDEN thought that the sooner

the Act was altered or repealed, the better it would be for the country. The road from Holyhead to Shrewsbury was not a national institution, and there was no sufficient reason, that he could see, why the expense of keeping it in repair should be charged on the Imperial Exchequer.

Sir J. TROLLOPE concurred in this opinion. He could see no reason why the road in question should be treated differently from the Great Northern road, or any other highway in the country. The expense of repairing it ought to be defrayed from local charges.

The CHANCELLOR of the EXCHEQUER explained. It was true that the road from Holyhead to Shrewsbury had ceased to be the main line of communication between Dublin and London, and he admitted it was objectionable that the expense of keeping it in repair should be defrayed out of the public funds. He would, therefore, direct his early attention to the matter, with a view to see whether it might not be possible to introduce some improved arrangement for the future; but in the mean time it was desirable that the present vote should be agreed to, in order that certain liabilities might be discharged which had been incurred under the Act.

Colonel DUNNE wished to know what was to be done with Dublin Castle. He found that under the present vote was comprised an item of 4,000*l.* for the repairs of that building, and he certainly should like to know what it was intended to do with that venerable edifice. It was understood that the Phœnix-park was to be kept up for the service of the Queen, in the event of Her Majesty visiting Her Irish dominions; but what was to be done with Dublin Castle? Was it intended that the fourth Irish Secretary should reside there? He also wished to be enlightened as to the intentions of the Government with respect to the Royal Hospital at Kilmainham. He hoped there was no truth in the report that that institution, established in the reign of Charles II., for the relief of Irish pensioners, was to be broken up, and that the inmates were to be transferred to Chelsea.

The CHANCELLOR of the EXCHEQUER replied, in reference to the first interrogatory of the hon. and gallant Gentleman, that no matter what might become of the Bill at present on the table of the House for the abolition of the Lord Lieutenancy, it was at all events certain that the Castle would be occupied during the present year, and that the House would have to defray the current expenses for the repairs of that building.

Colonel SIBTHORP wanted to know if Dublin Castle could not be conveniently sold to the highest bidder?

Mr. M. O'CONNELL looked on the item as an omen that Government were getting ashamed of their Bill; but if they meant to do away with the Lord Lieutenancy, why pay 452*l.* for Castle furniture in one year? Who was to make use of that furniture?

Mr. B. OSBORNE said, he observed an item of 58*l.* for the repair of Irishtown church. The Protestant Church in Ireland had quite enough money to repair their own churches, and he should like some explanation of the item.

Mr. HAYTER said, the building to which the hon. Member referred was a small church in one of the worst localities in Dublin. It was attended by the military in the neighbourhood, and the repairs had always been included in the estimates.

Mr. B. OSBORNE thought that was a very good reason why they should be included no longer. As it was a matter of principle, he would suggest that the sum of 58*l.* be disallowed.

Mr. GROGAN begged to ask if the Castle of Dublin was to be maintained as an occasional residence for Her Majesty? Imagination ran fast in Dublin, and, as persons seemed to think the Castle would be a second Hampton Court, it might be well to set the question at rest.

Sir G. GREY replied, that he had no certain information on the point, but it was clear that it would be necessary the State apartments should be kept up, as, in case Her Majesty visited Ireland, the only reception rooms were in the Castle.

Captain TAYLOR hoped Government would give some intimation of what was to be done with Kilmainham.

Mr. F. MAULE, in reply, said, an impression had gone abroad that it was intended to withdraw the establishment at Kilmainham; but the fact was that no decision had been come to. The Committee had directed their attention to the subject, and had inquired if all the purposes of the establishment might not be answered by Chelsea Hospital; but, as yet, they had only taken evidence, had formed no opinion, and had made no communication to Government. After they had reported, it would be for Government to adopt their recommendation, if it was thought fit.

Mr. M. O'CONNELL could only hope any proposition to withdraw the hospital would be met in the same way as a similar proposal seventeen years ago.

Colonel SIBTHORP said, that the vote for public works in Ireland was 18,093*l.* Now, in that total sum there appeared an item of 1,240*l.* 10*s.* for maintenance and repairs of the College of Maynooth, and he begged to move that that vote be negatived.

Mr. HAYTER said, that the Act of the 8th and 9th of Victoria, cap. 8, directed that the Commissioners of Public Works in Ireland should cause the buildings of the College of Maynooth to be kept in repair; but that Act did not provide any means whereby the expenses of those repairs were to be defrayed; a vote for that purpose, therefore, became necessary every year.

Lord J. MANNERS inquired if they were to have a vote of 1,200*l.* every year for the College of Maynooth?

The CHANCELLOR of the EXCHEQUER: Such sum as might be necessary every year; this year it was 1,240*l.* 10*s.*

Mr. HAYTER: It was 1,114*l.* last year.

Mr. REPTON said, that no repairs were now going on in the old buildings at Maynooth.

Mr. DRUMMOND objected to trying the whole Maynooth question by a side vote; neither would he consent to the purchase of new buildings under the pretence of repairing the old.

Mr. HAYTER again referred to the Act of Parliament in consequence of which the vote was proposed, and repeated that it was for the repair of old buildings.

Lord J. MANNERS should not object to the vote if it were for *bonâ fide* repairs, but, as no repairs were now going on, some suspicion attached to the matter.

Mr. HAYTER could not allow it to be supposed that the Commissioners of Public Works would be guilty of such a gross breach of duty as to obtain money for one purpose and apply it to another.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 16,852*l.* be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; also the Expense of Inland Navigation and other Services under the direction of the said Commissioners, to the 31st day of March, 1851."

The Committee divided:—Ayes 47; Noes 124: Majority 77.

List of the Ayes.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Blackstone, W. S.
Blandford, Marq. of
Brockman, E. D.
Brooke, Lord
Carew, W. H. P.
Clifford, H. M.
Colvile, C. R.
Disraeli, B.
Dodd, G.
Drummond, H.
Duncan, G.
Farrer, J.
Forbes, W.
Fox, S. W. L.
Goddard, A. L.
Grogan, E.
Hardcastle, J. A.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Heyworth, L.
Hood, Sir A.
Jones, Capt.
Kershaw, J.
King, hon. P. J. L.
Manners, Lord J.
Mundy, W.
Newport, Visct.
Newry and Morne, Visct.
Plowden, W. H. C.
Salwey, Col.
Seymer, H. K.
Smyth, J. G.
Smollett, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Taylor, T. E.
Trollope, Sir J.
Verner, Sir W.
Waddington, H. S.
Walmsley, Sir J.
Williams, J.

TELLERS.
Sibthorp, Col.
Repton, G. W. J.

Original Question put, and agreed to.

(8.) 10,788*l.*, Kingston Harbour. Vote agreed to.

Resolutions to be reported on Monday next.

Committee to sit again on Monday next.

REGISTRATION OF DEEDS (IRELAND) BILL.

Order for Third Reading read.

The SOLICITOR GENERAL moved the Third Reading of the Bill.

Motion made, and Question proposed, "That this Bill be now read a Third Time."

Mr. P. WOOD asked when the House might expect the long-promised report of the Commission appointed three or four years ago to consider the question of a registry for England?

Sir G. GREY had been in hopes that the report would have been presented long ago; but the Commissioners having been engaged in preparing it, he expected that it would at an early period be put in possession of the House.

Mr. DRUMMOND would take that opportunity of stating the course which he intended to pursue with regard to the Real Property Transfer Bill, which stood for the second reading that night. He had brought forward a similar Bill last year, but was recommended to withdraw it till the report of the Commission was laid on the table. He believed the real cause why that report had not been received was that, with all their learning, the Commissioners had not got common sense enough to know that it was possible to describe a piece of ground by other means than by a map, or by taking the latitude. It was quite clear that it was next to impossible for an independent Member to carry through a Bill of this sort; and if he asked the House to discharge the order for the second reading of his Bill, it was because he thought it better to trust to a really true reforming law officer of the Crown, an animal as extraordinary as a Whig Chancellor of the Exchequer with a shilling in his pocket. He thanked the hon. and learned Gentleman the (Solicitor General) for this measure, and hoped that they would have a good Registration Bill for England next year.

Colonel DUNNE said, the opinion in Ireland as to the value of the hon. and learned Gentleman's law reforms was very different from that expressed by the hon. Member who had spoken. A Member of that House, whom he did not see in his place, told him that the substitution which was proposed for the present simple mode of registration in Ireland, was one of the most complicated and difficult description, which he doubted if the hon. and learned Solicitor General understood himself. He referred to the operation of the Incumbered Estates Act, and said that there was no such thing as property now recognised in Ireland—that there had not been such a court in Ireland for the last 700 years. He would not, however, oppose the Bill.

The SOLICITOR GENERAL deprecated the system of dragging in the working of the Incumbered Estates Bill on the discussion of a question like the present; but as it had been done, he wished to refer to a statement made a few nights ago by the hon. Member for Roscommon, to the effect that the Commissioners had sold land as belonging to one estate, which actually formed part of another. The circumstances were these: The ancestors of the gentleman whose estate was sold had leased the adjoining estate, and had confused the boundaries between them. The Commissioners, therefore, in selling the estate, had sold it subject to the proper boundaries being afterwards ascertained; so that, in point of fact, they had not sold any part of the adjoining estate.

Bill read 3^a, and passed.

The House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 27, 1850.

Minutes.] Public Bills.—1^a Sunday Fairs Prevention; Registration of Deeds (Ireland); Deanery of St. Burian Division.
3^a Defects in Leases Act Amendment.

DEANERY OF ST. BURIAN DIVISION BILL.

Lord PORTMAN, as one of the Council of His Royal Highness the Prince of Wales, rose to present a Bill to divide the Deanery of St. Burian, and said: The Deanery of St. Burian appears, from ancient historical accounts, to have been founded by King Athelstan, who "having set his heart upon the conquest of Cornwall, thought it could not be completed unless he reduced the Scilly Islands, which he had a view of from the western promontories; he vows, therefore, a religious house in case he returned with victory; and being returned according to his wish, he acted according to his vow. He built a collegiate church in sight of those islands, and dedicated it to St. Burian, a holy woman of Ireland (who had at that time an oratory, and was buried here), placing a dean and three prebends in the college." The deanery is supposed to be exempt from all ecclesiastical jurisdiction, and that no appeal lies from the registry court, but immediately to the King in Council. And, as stated in a note in Oliver's *Monasticon Diocesis Exoniensis*, "It has lost all its lands. The prebends are merged in the deanery, and the deanery itself is in substance only a rectory, including three parishes served by curates appointed by the dean." The three parishes are those of St. Burian, St. Levan, and Sennen. From the remote and exposed situation of the deanery in the most western promontory of England, the want of resident landowners, with the appropriation hitherto of the tithes by a non-resident dignitary of the Church, a state of things has arisen which cannot but be lamented, and affords strong grounds for the changes that are now proposed. The dilapidated and mutilated condition of St. Burian and the other two churches is a subject of great regret. It is melancholy to see the havoc that has been made of the rich carvings, gildings, and ornamental decorations. Sufficient, however, remains to give an idea of their pristine beauty, and to excite an anxious desire for their restoration. The Honourable and Reverend Fitzroy Henry Richard Stanhope, the present incumbent, who is aged about sixty-three years, became dean of St. Burian upon the death of Dr. Jenkin in 1817. Mr. Stanhope has never resided in the deanery, nor is there now any residence or glebe lands either in St. Burian or in the parishes of Sennen or St. Levan. The deanery of St. Burian, consisting of the three parishes of St. Burian, St. Levan, and Sennen, forming together the western extremity of the county of Cornwall, and for the most part bounded by the sea, is a donative and peculiar, of which the patronage belongs to His Royal Highness. The population, extent, and ecclesiastical revenues of these three parishes, are as follows:—

	Population.	Commutation Tithe Rents.	Acreage.
St. Burian ...	1,911	£570	6,964
St. Levan......	531	250	2,230
Sennan.........	659	230	2,328

The deanery has its own spiritual court, and is, in fact, an extra-diocesan benefice, governed in ancient times by a dean and chapter. All the glebe and other church lands having been alienated long ago, and there being no parsonage-house in any part of the deanery, the deans, for 300 years and upwards, have been non-resident, while their chapter has become wholly extinct, and the spacious collegiate church of St. Burian, formerly highly ornamented, has been materially defaced and injured for want of proper ecclesiastical superintendence. Since the deanery lost its resident beneficed clergy, the ecclesiastical duties of the three parishes have been performed by two curates, of whom one officiates in St. Burian, the other having the conjoint charge of St. Levan and Sennen. The general objects contemplated by the Bill are, the abolition of the deanery upon the next avoidance, and the establishment of a distinct rectory in each of the three parishes of St. Burian, St. Sennen, and St. Levan; the appropriation to each rectory of the ecclesiastical revenues arising within the parish, and making the incumbent of each subject to the ordinary jurisdiction of the Bishop of Exeter, and making provision for the acquisition of parsonage-houses and glebes; also the abolition, on the next avoidance of the deanery, or sooner, with the consent of the Duchy of Cornwall, the Bishop of Exeter, and the present Dean of the present Registry Court, and the peculiar and exempt jurisdiction of the Dean, and placing the whole under the ecclesiastical jurisdiction of the Archdeacon of Cornwall and the Bishop of Exeter, as in other parishes in the county of Cornwall; and the transfer of all registers, records, wills, &c. to the Registry of the Archdeaconry of Cornwall. If the ecclesiastical revenue arising within each parish is given to the incumbent, three livings, with what would appear to be sufficient endowments, may be provided. In this case, the incumbent of St. Burian would have an income of 570*l.*, with a district of 6,964 acres, containing a population of 1,911; the incumbent of St. Levan, an income of 250*l.*, a district of 2,230 acres, and a population of 531; and of Sennen, an income of 230*l.*, a district of 2,328 acres, and a population of 659. The income of each of the incumbents would, of course, for a time be diminished in the event of a loan being obtained from Queen Anne's Bounty Fund towards the erection of parsonage-houses. It is considered probable that there would not be material difficulty in providing sites for suitable residences, and that the assistance which could be obtained from Queen Anne's Bounty would be sufficient for the erection of the buildings. The advantage likely to be derived from the proposed changes generally can scarcely be over-estimated, calculated, as they would be, most materially to improve the condition of the population, and at the same time remove a considerable public scandal, detrimental to the Church not only in the deanery itself, but in the surrounding vicinity. The abolition of the registry court would relieve the inhabitants from what is considered a great grievance and abuse.

Bill read 1^a; and referred to the Standing Order Committee, on Thursday, 6th June.

ANSWER TO THE ADDRESS.

The MARQUESS of WESTMINSTER, as Lord High Steward, intimated that he had laid before Her Majesty the Address which their Lordships voted on the Birth of another Prince, and that Her Majesty had condescended to receive it most graciously, and to return the following answer:—

"My Lords,

"I have received your loyal and affectionate Address with much satisfaction. I thank you most cordially for your Congratulations on the Birth of another Prince, and for the assurances of the interest you take in My domestic happiness."

On the Motion of Lord CAMPBELL, the Answer to the Address was ordered to be entered on the Journals of the House.

THE COURT OF CHANCERY.

LORD BROUGHAM then rose to move for certain returns connected with the state of business in the Court of Chancery. He did this, he said, in consequence of having heard it reported, and even seen it publicly stated, that there was an enormous arrear of business in the court which was presided over by his noble and learned Friend (the Lord Chancellor), who, from indisposition, was not present on this occasion: he gave a positive denial to those statements. The arrears in this House consisted of little more than the causes that had been entered this Session; and the arrear in the appeal business had seldom been less than it was at present. He might add that it was not desirable to have the appeal business without arrear, as it frequently happened that a case which was at first appealed from the other courts was afterwards withdrawn on more calm and mature deliberation; and this of course would be prevented if the case were taken up as soon as it was entered. The business was not quite in the same state in the Court of Chancery, but still the arrears were much less than when he took the Great Seal in November, 1830. All this would be shown by the returns, and he thought it was only justice to his noble and learned Friend that they should be brought forward. He could not make this statement without expressing his deep sorrow that his noble and learned Friend was not likely soon to resume his useful and invaluable labours in the Court of Chancery. He deeply lamented that; and whatever arrangements of a temporary nature it might be necessary to make, he earnestly hoped that this fitting opportunity would be taken, which would greatly diminish the sorrow that all felt in the prospect of being deprived of the services of that able and learned and in all respects admirable Judge, of making, on good and sound principles, a permanent arrangement—in which the public and the profession, and the law, and the lawgiver were all alike interested—to remodel the duties of that high officer of State, who was also the head Minister of justice in this country.

Returns ordered.

AGRICULTURAL DISTRESS.

The MARQUESS of SALISBURY presented a petition agreed to at public meeting of the county of Hertford, complaining of agricultural distress, and praying for a return to protection. The noble Lord said, that he had delayed presenting this petition, after the indifferent manner in which the subject was treated in the Speech from the Throne, and until he had made the fullest inquiry into the statements made by the noble Lord (Earl Grey) opposite on the subject in question, and also by certain Members of the Government elsewhere. The noble Marquess then read extracts from the second annual report of the Poor Law Board, 1849, and from other documents, to show that the general prosperity of the country was on the whole less now than in 1846. The first document showed that the return from 558 unions proved that the amount expended on relief to pauperism during the half year ending Michaelmas last was 1,653,061*l.*, being a reduction of only 97,098*l.*, or 5½ per cent as compared with 1848. The property tax returns (as well as could be gathered) were less; the number of paupers had increased from 829,533 in 1846, to 1,373,367 in the week ending 25th March, 1850—an increase mainly attributable to agricultural distress; while the cost of maintenance for the poor had risen from 2,000,000*l.* or thereabouts in 1843, to 6,000,000*l.* in 1849. The noble Marquess said, that the boasted prosperity of the manufacturing districts was unreal, for that in Manchester and other towns of that character, the average among the working population was one-third employed in the whole year, two-thirds unemployed. The wages of labour likewise had fallen at least 10 per cent lower than they were in 1840, though he had always understood that the prosperity of a country depended upon the establishment of a high rate of wages to the working classes. In proof of this proposition the noble Marquess read the following return:—

The Labourer Had.				The Labourer Has.			
44 wks wages, 12s ………	£26	8	0	44 wks wages, 9s ………	£19	16	0
4 wks hay, 16s	3	4	0	4 wks hay, 13s	2	12	0
4 wks harvest, 20s…………	4	0	0	4 wks harvest, 20s…………	4	0	0
	£33	12	0		£26	8	0
Has……	26	8	0				
	£7	4	0	21 per cent reduction in value.			

Brt. forward,	£7 4 0	21 per cent reduction in value.
Paid for flour, 26 bushels, at 10s. 1d. £13 2 2		
Pays for ditto, 9s. 6d. £12 7 0	0 15 2	Deduct advantage in price of flour 2s. 5½d. per week, or 18 per cent loss.
	£6 8 10	

The Labourer Had.		The Labourer Has.	
44 wks wages, 11s	£24 4 0	44 wks wages, 9s	£19 16 0
4 wks hay, 15s	3 0 0	4 wks hay, 12s. 3d.	2 9 0
4 wks harvest, 20s.	4 0 9	4 wks harvest, 16s. 4d.	3 5 4
	£31 4 9		£25 10 4
	25 10 4		
	£ 5 13 8	18¼ per cent reduction on value of labour.	

Paid for 26 bush. 9s 4d £12 2 8		
Pays for ditto, 7s. £9 2 0	3 0 8	Deduct advantage in flour 1s. per week, or 9 per cent reduction.
	£2 13 0	

This calculation is taking the average of a labourer's family to consist of five persons who would consume half a bushel of flour, (28 lbs.) weekly. He contended that a depreciation of manufacturing interests had occurred, as well as of the agricultural interest; in proof of which he read the following:—

COTTON MANUFACTURES—IMPORTS.

	Three Months ending April 5.		
	1848.	1849.	1850.
Not made up.	£.	£.	£.
East India piece goods...	23,302	10,769	12,212
Decr. on 1848...11,090*l.*			
Incr. on 1849... 5,443*l.*			
Other articles	30,982	29,796	100,656
Incr. on 1848...69,674*l.*			
Ditto on 1849...70,860*l.*			
Wholly or in part made up.			
Cotton manufactures......	6,427	12,521	14,618
Incr. on 1848...8,191*l.*			
Ditto on 1849...2,097*l.*			
Cotton yarn	5,320	8,944	13,646
Incr. on 1848...8,326*l.*			
Ditto on 1849...4,652*l.*			
Total...........	66,031	62,080	141,132

With respect to the general condition of the people the following document told its own tale, and indicated clearly enough a great depreciation:—

Jan. 1849, estimat. populat.	15,736,000
Jan. 1850, „ „	15,945,000
	209,009 or 1 per ct.

QUANTITY OF TEA ENTERED FOR HOME CONSUMPTION.

	lbs.
3 months endg. Apr. 5, 1849...	12,066,744
Ditto ditto 1850...	12,245,121
Increase	178,377 or 1⅓ „

SUGAR.	Cwts.
3 months endg. Apr. 5, 1849...	1,469,672
Ditto ditto 1850...	1,413,054
Decrease	56,618 or 4 „

COFFEE.	lbs.
3 months endg. Apr. 5, 1849...	9,386,255
Ditto ditto 1850...	7,465,884
Decrease	1,920,371 or 22 „

COCOA.	lbs.
3 months endg. Apr. 5, 1849...	922,665
Ditto ditto 1850...	724,240
Decrease	198,425 or 22 „

CURRANTS.	Cwts.
3 months endg. Apr. 5, 1849...	88,673
Ditto ditto 1850...	66,528
Decrease	22,145 or 25 „

RAISINS.	Cwts.
3 months endg. Apr. 5, 1849...	32,029
Ditto ditto 1850...	21,598
Decrease	10,431 or 80 „

The noble Marquess quoted extracts from the Letters on *Labour and the Poor*, which have appeared at various times in the *Morning Chronicle*, and concluded by asking the noble Earl opposite (Earl Grey) how long the experiment of free trade was to be continued?

EARL GREY replied that he was not aware that the Act of 1846 contained any clause limiting the operation of that measure to any definite period, nor had he ever heard the remotest intention expressed in any quarter of making any alteration in that Act.

The EARL of MALMESBURY said, his noble Friend had got just the same answer from the Government, as one with which he (the Earl of Malmesbury) had been favoured on a similar occasion. He thought that if the noble Earl meant what he had just said—and he believed the noble Earl was a man who generally said what he meant, and meant what he said—he was a Minister better fitted for the ancient empire of the Medes and Persians, than for the constitutional government of Great Britain. The noble Earl seemed to entertain a great dislike for these discussions; but so long as the different Parliamentary papers were delivered to their Lordships for their perusal, he must expect to have them thus incidentally discussed. The information contained in the papers recently delivered was at once important and most alarming. The return of all the indoor and outdoor paupers for each year, from the year 1846 to the year 1850, was most appalling. It proved the entire fallacy of the dictum of the noble Lord in that House, that pauperism had decreased in the last five years. On the contrary, its increase in England and Wales within that period had reached to the vast amount of 125,000 persons. The last year of protection was the year 1846—the last of free trade was the year 1850. In 1846 the price of wheat was 54*s.*; in 1850 it was 38*s.* a quarter; and yet, when the price of wheat was one-third less than it was formerly, the nnmber of paupers was 125,000 more. The free-trade Government had made two promises to the people, when they deluded them into the repeal of the corn laws. They had given them a promise of reciprocity, and they had given them a promise of the prosperity of the lower classes. Reciprocity they had not got; the prosperity of the lower classes had not happened. He had expected at any rate, after all the promises they had received, to find something like prosperity in the agricultural districts; but in going through this list [*holding out a paper in his hand*] he found no signs of prosperity either in the agricultural or manufacturing districts. In Cheltenham, which was not exclusively either an agricultural or a manuturing place, there were, in 1846, the last year of protection, 909 paupers; in 1850, the last year of free trade, there were 1820. In Liverpool, in 1846, there were 12,200 paupers; in 1850, there were 17,800. In Manchester, in 1846, there were 13,900; 1850, 13,926. In Preston, in 1846, there were 3,021 paupers, and in 1850, 5,187. He would not enter into other details on this subject, for it was the same everywhere; but he would give their Lordships just one specimen from a district purely agricultural. In the Isle of Portsea, in 1846, there were 3,200 paupers; in 1850, there were 6,200, or nearly double. [A NOBLE LORD: Look to Newcastle.] He had been referred to Newcastle. Well, he would read the entry under the town of Newcastle. In 1846 the number of paupers was 4,946; and in 1850, there were 7,966. In Morpeth, in 1846, there were 882 paupers; in 1850, there were 1,056. The last two were places which the noble Earl was doubtless well acquainted with. With these facts before them, it was impossible for noble Lords opposite to argue that their policy had turned out beneficially. He then read to their Lordships various returns recently laid on their table, all of which, he insisted, conspired to establish the same point. For instance, in 1845, when the old corn laws were in force, the returns of corn sold in England and Wales were 5,700,000 odd quarters of wheat; in 1849, the last year for which the same returns had been received, they were only 4,500,000, so that the decrease of the corn sold in England and Wales between the years 1845 and 1849 was just 1,200,000 quarters. With these papers, showing that all their promises had failed—that they had not gained the advantages of reciprocity by their generous system towards the foreigner, that they had not diminished the amount of pauperism, and that their low prices had not checked the importation of foreign corn—he did not think that he was wasting the time of the House in calling its attention to the facts, or in declaring that the old corn laws must be restored, if their Lordships had any hope of seeing the country restored to its former prosperity.

EARL GREY replied, that the noble Lords opposite must not be surprised if the Government refused to enter into these incidental debates on the corn laws until it was acquainted with the real object sought to be achieved by them. It had been stated on a former occasion, that when the corn laws were on the point of being repealed, the advocates for their repeal had perpetually discussed the policy of them with a view of influencing public opinion, and without submitting any regular Motion to the House. But, at that time, there was no doubt as to the object of such discussions—it was either the qualified or the total repeal of the corn laws. At present, however, they stood in a different situation. He was ready, whenever the noble Lord opposite (Lord Stanley) pleased, to debate the question whether the measure of 1846 ought to be changed or not; but when he entered upon such a debate he wished to know distinctly what were the views of noble Lords on the other side; for their Lordships were at present in a singular state of ignorance on the subject. Not one of the noble Lords opposite had yet stated distinctly whether they wished to go back to the old sliding scale of 1828 or not. Did the noble Lord (Lord Stanley) wish simply to repeal the Act of 1846, and return to the law under which they had the agricultural distress of 1833, 1835, and 1836, or did he want something else? In another place it had been declared, upon very high authority, that what was desired was a fixed duty of 8*s.* upon wheat—the measure so scornfully rejected in 1841. Another Gentleman in that place had said what he wanted was an alteration of the various burdens upon land; but, on the other hand, that notion of relief, by altering taxation, had been denounced as altogether nugatory and delusive by the noble Lord opposite (Lord Stanley), in a very eloquent and remarkable speech which he made in reply to certain memorials that had been presented to him. What, then, did noble Lords opposite want? A fixed duty, a sliding scale, or a change of taxation? What alteration in the existing policy of the country did they mean to propose? He could only say that when the Government knew the specific measures which were to be proposed, he had no doubt they would be able to show good reasons against their adoption. His own opinion remained unshaken. He firmly believed that to the alteration of their commercial policy in 1846 they were, under Providence, indebted for the safety in which this country had passed through a period of unexampled difficulty. The noble Earl (the Earl of Malmesbury) had quoted returns with respect to the number of paupers relieved in England and Wales during the last five years; and he had endeavoured to show that the number of paupers now receiving relief was considerably greater than the number relieved in 1846, the last year of protection. But if the noble Earl looked at the return, he would find that, though there was now an increase in the number of paupers, as compared with 1846, yet that the year 1850 showed a reduction in the number as compared with 1847, 1848, and 1849. For instance, the total number of paupers relieved in England and Wales in 1847 was 908,000; in 1848, 993,000; in 1849, 943,000; and in 1850, 890,000. The noble Earl was, however, well aware that there were circumstances in the condition of the country, independently of the price of corn, which might account for the difference between the number of paupers relieved this year and in 1846. The year 1846 was the very height of the railway mania, and he believed that at that time the companies expended millions of money mainly in labour. Now, however, there were not as many hundred thousands of pounds expended in such labour as there were then millions. Since 1846 also they had had to encounter all the consequences of the famine in Ireland; and it was notorious that that famine had been the means of bringing into all our great manufacturing towns very large numbers of Irish paupers, for whose relief it was necessary to provide. He thought these circumstances would fully account for the increase of paupers this year as compared with 1846. When he found the revenue prospering to an unexampled extent, when he saw trade sound and active, notwithstanding all the difficulties arising from a short crop of cotton, and when he looked at the general state of the country, he did not think the returns to which the noble Lord had alluded gave the slightest reason to doubt the success of the policy of 1846. The noble Earl had referred to a return of the quantities of wheat that had been sold in different years, and had stated that the sales of 1849 showed a falling-off as compared with 1845 of some 1,200,000 quarters. He should have thought that his noble Friend must have seen how fallacious that comparison was; for the return for 1849 showed mainly the sales of the crop of 1848; and it was notorious that that crop in the south of England was one of the most defective that had been known. The crop of 1849 would not, of course, appear in the return until the latter part of the year; and he believed that the agricultural distress now so much and, he admitted, so justly complained of, had much more to do with the consequences of the very bad crop of 1848 than with the change in the law. If the noble Earl compared the quantity of corn sold in the last six months with the quantity sold in the corresponding six months of the year before perfect free trade was established, he would find that since the harvest of 1849 came into operation, there had been a very large increase in the amount of corn sold as compared with the latter period. He would only add, that he considered this a question far too important to be argued upon the imperfect data of the occurrences of a few months. He believed that those who would dispassionately and carefully examine into the practical effects of protection, as it had been tried under various modifications during a period of thirty years, and would look to the melancholy consequences which had resulted from raising expectations on the part of the farmers which were constantly disappointed, would admit that—judging even at this early period of their experience of the new policy—it was impossible to say that the interests of agriculture had been disadvantageously affected. He believed there never was a time when greater exertions were made to improve the system of cultivation, and to diminish the cost of obtaining agricultural produce, and he was satisfied that those efforts would meet the success they deserved.

Lord STANLEY: My Lords, I am not surprised to hear the noble Lord express an opinion that, notwithstanding all that is passed, he remains entirely convinced of the merits of the system of free trade; that he sees nothing in the state of the country which causes him the smallest apprehension or alarm; that he believes the interests of all classes are prospering greatly; that although the agriculturists may be suffering a little, yet in general there is great prosperity; and I am not surprised that he says, if we will only tell him what it is we propose, and without knowing what we propose, for the relief of agriculture, he is quite satisfied that he could give us a good reason against the proposition. The noble Earl says, that previous to the repeal of the corn laws, incidental discussions took place in Parliament, and that the object of those discussions was clear and intelligible; that it was to prepare the public mind for an alteration of the then existing state of the law. I take the liberty of saying, that, even agreeing with the noble Earl that this question is not to be decided upon the incomplete information which we possess, and that we should not call upon your Lordships to come to a decision or make any alteration in the present state of the law upon that information, I will tell the noble Earl that our intention is by these discussions, as the intention was by the discussions previous to the repeal of the corn laws, to impress upon the public mind, week by week, and day by day, if need be, the practical operation and working of the system which you have introduced—entirely remitting all import duties upon agricultural produce. My Lords, I will not answer the noble Earl's question, of what form of duty or what amount of duty we may propose when we shall think it right to introduce the question; but this I will say, that I am satisfied that a change is coming over the public mind. I do not expect it to come over the mind of the noble Earl: far be it from me to entertain any such exaggerated expectations! But the public are watching the progress of events, and that portion of the public who suffer under these events, notwithstanding the declaration of the noble Earl, are beginning to open their eyes to the real effects of the system of so-called free trade. They are watching the progress of that experiment—a most dangerous and fearful experiment—and are gradually arriving at the conviction, that in some shape or another, and in some mode or another, an alteration must be made in that experiment, and that we must revert to the system which shall afford moderate protection to British industry. The noble Earl quarrels with my noble Friend behind me. What we say is, "You promised us great results—you promised us universal employment—you promised us high wages—you promised us increased consumption—you promised us universal prosperity; and we find, and we prove from your own papers and figures, that these promises have not been fulfilled, and that you are compelled now, not to point triumphantly to the successful issue of your predictions, but to apologise, and to assign reasons, picked up here and there, why your predictions have not been verified, and why, in spite of free trade, you have not the prosperity which you expected to have." Will the people of England—at least will those whose eyes are not already opened by suffering, continue blind? My noble Friend has called the attention of your Lordships to the difference between the pauperism of this country in the year 1850 and in the year 1846. What is the noble Earl's answer? The answer of the noble Earl is—"True, pauperism in the year 1850 is greater than it was in 1846; but then it is less than in the year 1849; 1849 was less than 1848; and 1848 was less than 1847." Well, but it is quite true that in the year 1850 we had an abundant harvest at home. In 1847, 1848, and 1849, in addition to the blessing of free trade, we had the blessings of famine also; and, consequently, it is not very extraordinary that, with the cessation of famine, and with an abundant harvest in 1850, pauperism should be less now than in the years 1849, 1848, and 1847. But 1847, 1848, 1849, and 1850, were all of them years of free trade. They were all of them years of free importation of corn, and the last three of them years of very low prices for corn. My noble Friend took the amount of pauperism in the year 1846—the last year of import duties, and the last year, comparatively speaking, of high prices for corn, and contrasted it with the amount of pauperism in the year 1850, the year of free trade and low prices, and, upon comparison, showed that the amount of pauperism in the year of import duties and high prices was less than the amount of pauperism in the year of free trade and low prices. And then my noble Friend says — "But I am happy to congratulate my noble Friend—let him look to his own immediate district, and he will see a diminution of pauperism." We have shown an increase of from 4,000 to 7,000 in one place, and from 3,000 to 6,000 in another—and we have shown this even by the papers upon your Lordships' table, which exhibit by far too low an estimate, for they only give the number of paupers actually receiving relief in 1850, as compared with statements made of the number of paupers, with their families, who received relief in previous years. So that the real increase of pauperism is greater than appears by these returns. But, setting that aside, the noble Earl opposite says that my noble Friend will find a diminution of pauperism even in his own immediate district; and, on referring to the papers, and comparing the amount for the year 1846 with that for the year 1850, it appears that the glorious result to which the noble Earl points so triumphantly is a diminution of pauperism in the agricultural district of Christchurch to the extent of one single individual! But we point to other circumstances, independent of the amount of pauperism, and we say—if these things do not arise from free trade—if they do not arise from diminished means—if they do not arise from the poverty of the home market, and the inability to consume, the results of free trade, we are entitled to ask Her Majesty's Government from what it is they do proceed? Accounts are, I know, sometimes deceptive, and, among others, I would call your attention to the accounts of the exports. Great credit has been taken for an increase in the declared value of the exports between 1845 and 1849, apparently of above five millions; and of ten millions, or more, between 1848 and 1849. But, when we come to sift these papers, we find that, for the first time, in the year 1849, there are introduced into the papers from which the comparison purports to be made, a number of additional articles, amounting to no less than two millions and a half sterling, which articles did not exist at all in the accounts from which these papers were prepared; consequently, the increase from 53,000,000*l.* in the year 1845 to 58,000,000*l.* in the year 1849 must have a reduction made from it to the amount of 2,500,000*l.* or 3,000,000*l.*; and to that extent the papers, which show the state of the export trade, afford, in my mind, a most fallacious view of the case. But it is not alone to the export trade that I look. I admit that your export trade may have increased, and has increased; but I say, and those who act with me say, that, important as your export trade undoubtedly is *per se*, it is unimportant as compared with the amount of your home trade; and, unfortunately, though you have the statistical means of ascertaining the amount of your export trade, you have not the corresponding means of obtaining the amount of consumption in the home market; and it is my firm belief that whatever advantage the manufacturing and commercial interests may have derived from an increase of exports, these advantages have been far more than counterbalanced by a diminution—the amount of which we are unable to guess, but the effects of which we see in every part of the country, and practically feel in every direction—of the power of the home consumer to take up manufactured articles. Take the case of cotton, for example. I hold in my hand an account of the imports of cotton, and find that, whilst in the first three months of 1849 the imports of cotton were 547,000 bales, in the corresponding period of 1850 they had fallen to 468,000 bales. The consumption of cotton in the home market from the 1st of January to the 12th of April, 1849, was 432,500 bales; but for the same period in 1850 the consumption had fallen from 432,500 to 338,000 bales, being a decrease of 94,500 bales, or of twenty-one per cent upon the whole consumption of the first three months of 1850, as compared with the corresponding period of 1849. With regard to the exports of cotton goods, it is true that in the year 1848 there were 22,000,000*l.*, and in 1849, 26,000,000*l.*, the increased exportation amounting to 4,000,000*l.* Now, of that increased exportation there was to foreign countries 1,735,000*l.*—we presume exclusive of exports to slave-trading countries—and I pray you to observe, as one of the principal effects of the free-trade system, that the increased exports to the three slave-trading points alone exceeded 2,000,000*l.* I know how wearisome your Lordships must be with figures; but remember it is upon figures that this question mainly turns, and by figures alone we can show the effects of the present system of free trade upon the country. Our object is to show that under free trade the consuming power is diminishing, and if the consuming power is diminishing, and you contend that it is not in consequence of free trade, on you rests the onus of showing to what that diminished consumption is to be attributed, you having promised us a large increase of consumption as the consequence of free trade. With regard to the sale of wheat, barley, and oats in England, I tell the noble Marquess, who moved for them to show that the decrease in price is owing to the goodness of the harvest, that they will not answer his purpose. Why, my Lords, this paper which has been laid upon the table of your Lordships' House, so far as it is good for anything, is valuable as proving the very opposite of that which the noble Marquess wished to demonstrate when he called for its production. It may be true that the amount of corn sold in 1849 exceeded that sold in 1848; but let the noble Marquess opposite refer to the year 1850, the first four months of which he justly describes as the produce of the harvest of 1849, and he will find that, with the exception of the first four months of 1849—which is the produce of the defective harvest of 1848—this boasted consumption of corn in the British markets is, in 1850—with that single exception of 1849—lower week by week, and lower on the whole, than it was in any other year mentioned in the paper moved for by the noble Marquess. This document, therefore, if I have read it aright, is fatal to the very purpose for which it was produced. It goes to prove the very reverse of the argument which it is the object of the noble Marquess to maintain. Free trade has impaired the condition and straitened the circumstances of the labouring classes of this empire. Such is the position which I am prepared to take up, and I trust that your Lordships will not deem it irrelevant if I should take leave to justify myself in that position by referring to the diminished consumption of some few articles of domestic use amongst those classes of our population who have heretofore been placed beyond want. The articles to which I allude are not absolute necessaries—they are luxuries of an humble description—perhaps it would be more correct to describe them as comforts—but they are articles the diminished consumption of which is an evidence as melancholy as it is incontestable of the petty shifts to which our people are obliged to have recourse, and of the small economies they are compelled to exercise in order to make both ends meet under the system of universal prosperity which has been established amongst us under the designation of "free trade." The five articles in question do not furnish, I admit, an infallible testimony as to the general working of the free-trade system; but I do think that they are precisely those articles the increase or diminution in the consumption of which supplies a fair criterion of the extent to which our poor people are enabled to enjoy the small and homely comforts of life. They are cocoa, coffee, dried fruits, including currants, figs, and raisins, unrefined sugar, and tallow. Now, let us see how the consumption of these articles has varied during stated periods in each of the last three years. The consumption of coffee during the first three months of 1848 was 877,000 lbs.; during the corresponding period of 1849 it was 922,000 lbs., and during the corresponding period of 1850 it was 724,000 lbs. The consumption of coffee has fallen from 9,900,000lbs. in the first three months of 1848 to 9,368,000lbs., in 1849, and to 7,460,000 lbs. in 1850. Currants have fallen in the following proportion: In the first three months of 1848 the consumption was 73,000 cwt.; in 1849 it was 88,000 cwt.; and in 1850 it had sunk to 66,000 cwt. Of figs there were consumed, in 1848, 47,046 lbs.; in 1849, 53,004 lbs.; in 1850, only 39,011 lbs. Of raisins there were consumed only 21,000 cwt. in 1850, against 32,000 cwt. in 1849, and 37,000 cwt. in 1848. The decline in the consumption of sugar is also remarkable. There were consumed, in the first three months of 1848, 1,494,000 cwt.; in 1849, 1,469,000 cwt.; and in 1850, 1,413,000 cwt. The returns under the head of tallow give a result not less disheartening. There were imported for home consumption, in the first three months of 1848, 292,000 cwt.; and in the three first months of 1849, 313,000 cwt.; while in 1850 the importation did not exceed 194,000 cwt. Moreover it is worthy of remark that the diminution in quantity taken into home consumption was co-existent with a large exportation in the shape of candles and soap. Now, my Lords, these facts may possibly be coincident with a state of great prosperity—I do not say they are conclusive evidence of the failure of your free-trade system, but they are evidence, and particularly when taken in conjunction with increased pauperism and diminished employment—for the noble Earl will not venture to deny, though he spoke of the prosperity of the manufacturing districts, that an increased and increasing number of mills are working short time, that wages in the manufacturing districts have fallen, and that in the agricultural districts they have fallen, and must and will fall still further—I say, when we have these facts before us, indicating a diminished power of consumption in the home market, we cannot agree to congratulate the noble Earl on the success of that which I will still call "an experiment;" and we will continue to point the attention of the Government and the country to the practical working of that experiment, and leave it to Her Majesty's Ministers to justify their perseverance in that policy to its full extent, notwithstanding the failure which it manifests in its effects—notwithstanding the diminished consumption of the country—notwithstanding the increased distress and ruin which have been brought by that system upon a large portion of the community. We do not bring forward a specific measure; but if it will be any satisfaction to the noble Earl to hear again the declaration to which he has referred, and which I had the honour of making to a numerous and important deputation which waited upon me a short time since—I will repeat to him my confidence that this country will not be restored to a state of prosperity until it does not only deal with the unjust taxation under which certain interests of the country are labouring, but also until it shall return to a just, and moderate, and equitable system of import duties for the protection of British industry of all descriptions. I am satisfied that that policy will prevail in the long run; and as confidently as the noble Earl speaks of the success of the experiment, so confidently do I feel that its failure is becoming day by day more manifest, and that in some shape or another—I will not gratify the noble Earl by telling him in what precise shape—he will have, or, in defiance of him, Parliament will have to retrace the steps they have taken, and revert to a sounder and a wiser policy.

Earl GREY: I cannot help expressing the satisfaction with which I have listened to the concluding observations of the noble Lord. It is clear from what he has said, that he is desirous of returning to a system of moderate import duties for the protection of British interests, that the noble Lord himself has given up the sliding scale of 1842, and that that Act is abandoned by noble Lords opposite.

Lord STANLEY: I am glad that the noble Earl is satisfied at hearing my statement; but allow me to say that I hope I may not be judged by the inferences which the noble Earl has drawn from my observations.

Earl GREY: Oh, I am quite satisfied.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 27, 1850.

Minutes.] Public Bills.—2° Petty Sessions (Ireland): Court of Prerogative (Ireland).
Reported.—Convict Prisons; Metropolitan Interments; Municipal Corporations (Ireland); Vestries and Vestry Clerks; Acts of Parliament Abbreviation.
3° Court of Chancery (Ireland).

BIRTH OF A PRINCE—HER MAJESTY'S REPLY TO THE ADDRESS.

Mr. LASCELLES brought up Her Majesty's gracious Answer to the Address presented by this House on the Birth of a Prince:—

> "I thank you sincerely for your dutiful and affectionate Address; and I receive with much satisfaction your Congratulations on the Birth of another Prince, and the assurance of the interest you take in My domestic happiness."

CHESTER AND HOLYHEAD RAILWAY BILL.

Bill read 3°.

Mr. O. GORE moved a clause which, he said, he felt it his duty to propose as chairman of the Shrewsbury and Birmingham line, and still more so as Member for Shropshire—a county which, without it, would be seriously prejudiced by being deprived of due means of communication with the north. Unless Parliament prevented railways from becoming monopolies, they would become the greatest curses to the country. The clause was proposed only to prevent monopoly, and ought to have been acceded to on the part of the promoters of the Bill. If the Bill passed without the clause, the traffic of the Shrewsbury and Birmingham Company might be stopped at Chester, by the promoters of the present Bill, the leviathan of railway companies, the London and North Western Company, which exercised a huge and unjust monopoly, and lived upon litigation, selfishly and constantly oppressing the smaller companies, as in the present instance. Irish Members were as much interested as he was in resisting such a system, and supporting the proposed clause, which had originally been inserted in the Bill, and had been omitted by mistake.

Clause brought up and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

Mr. GLYN entered into a defence of the proceedings of the London and North Western Company. He wished the House to understand that the London and North Western Company were not the promoters of the present Bill. The Bill had originated with the Chester and Holyhead Company, in the full belief that unless the leasing to the London and North Western was sanctioned, or unless Government came forward with assistance, it would be impossible to complete that great undertaking. He could assure the House it was not his desire or wish to see the Bill pass in its present form, for he thought it would be more advantageous to the London and North Western Company to have existing arrangements between the two companies remain in their present state. He objected to the insertion of the clause, as it had been sanctioned by the Committee on *ex parte* evidence, and would operate injuriously.

Mr. SLANEY said, that this clause had been recommended by the Committee. He hoped it would be adopted. As for the stopping of the express trains, he was authorised to say the opposers of the Bill were ready to give up that point.

The ATTORNEY GENERAL supported the clause. It had been unanimously inserted by the Committee, and had been expunged by an accident: if the House was not disposed to reinsert it, he thought they at least ought not to reject the proposition of the hon. Mover, and refer the question to the Railway Commissioners.

Mr. GLADSTONE said, in such a case as this, where one railway ran into another, which formed the continuance and the line of communication of both, there must be conflicting interests, and it was possible that the interests of the public might be prejudiced. The question was one of great difficulty, and which, in 1844, had been considered, and the conclusion arrived at had been that it was impossible to settle it by any general regulation. It was now proposed to leave it to the Railway Commissioners to adjust and regulate the traffic at the point of junction; but he warned the House against deciding, in the case of a particular Bill, what ought to be decided on general principles. The House had, indeed, already declined to sanction a general measure founded on the same principle—the Bill of the hon. Member for Stoke—and he thought they would do well to reject this clause.

Mr. SHEIL wished Shrewsbury to be in close communication with Dublin, and apprehended that, if the clause were rejected, and the London and North Western Company were left to its own ideas of self-interest, the communication might be intercepted. The Committee had sanctioned the clause, and he should abide by it.

Mr. C. VILLIERS said, the Shrewsbury line had authorised him to agree to a proviso referring to the Railway Commissioners, not, indeed, as erroneously stated by the right hon. Gentleman the Member for the University of Oxford, the regulation of the traffic, but the settlement of such points of difference as might arise between the two companies.

Lord R. GROSVENOR said, he had before this had experience of the manner in which the larger companies were prone to oppress the smaller; and the London and North Western Company had actually made it a stipulation of their amalgamation with another company that all facilities should be withdrawn from the Shrewsbury and Birmingham line. The Earl of Dalhousie's scheme for giving the great companies the power of supplying the smaller lines had been rejected, on the ground of its interfering with competition; but if the House desired to retain a rag or shred of competition in this case, it must protect the Shrewsbury Company by inserting this clause.

Sir C. DOUGLAS wished to know whether the Committee who had sanctioned the clause were aware that it was in contravention of other decisions of Committees.

Captain DUNCOMBE said, between conflicting decisions they had endeavoured to take the course consistent with common sense and justice.

Mr. ROCHE said, the right hon. Member for Dungarvon had supported the clause for the sake of communication between Shrewsbury and Dublin. He (Mr. Roche) opposed it for the sake of communication between London and Dublin. The Chester and Holyhead Company were unable to carry on their line without the advance of 500,000*l.* from the London and North Western Company, who could not advance the money on the terms to be imposed by this clause.

Mr. T. EGERTON said, he believed the Bill of the hon. Member for Stoke had been brought in because the London and North Western Company would not make some fair concessions to the South Staffordshire Company (of which the hon. Member was chairman), and had been withdrawn because, under that compulsion, the London and North Western Company had conceded what they had before refused.

Mr. G. H. CAVENDISH proposed, as a compromise, that the clause should be withdrawn, if the Chester and Holyhead Company would give up its leasing powers.

Mr. JACKSON acceded to this proposition, and declared that, if the Bill was not passed and acted on (as it could not be if the clause were agreed to), there would be no chance of the Chester and Holyhead Company completing their line.

The House divided:—Ayes 118; Noes 137: Majority 19.

Bill passed.

RIVER LEE TRUST BILL—SUPPLY OF WATER TO THE METROPOLIS.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MOWATT would move, that the Bill be read a second time that day six months. He did so for this reason—all the *bonâ fide* schemes for supplying the metropolis with water had been put off because the House was not in a condition to legislate, inasmuch as they were daily expecting some report from the Board of Health of some general scheme. This Bill did not propose to remedy the great defects of the existing systems of supply, but simply proposed to bolster up the existing companies, by diverting a large portion of the River Lee for the purpose of supplying the New River Company. It was supported on the false grounds of remedying the navigation of the River Lee, it being notorious that the River Lee, so far from not being in the position of affording sufficient accommodation, already furnished accommodation for three times the amount of traffic it could ever possibly have.

Amendment proposed, to leave out the word now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Major BERESFORD said, that only one out of the forty-seven clauses of the Bill related to the supply of water.

Mr. MOWATT said, if that clause was struck out, he would withdraw his opposition.

Major BERESFORD contended that the objection to the one clause was the best reason for allowing the Bill to go before a Select Committee. He denied that it was a Bill for regulating the water supply; its great object was the improvement of the navigation.

Mr. COWPER said, the lowering of the bed of the river, and other improvements, would create a great surplus of pure river water, which the clause in question would empower the company to sell. It was in no respect a Bill for supplying the metropolis with water, like the Henley Bill, or the Watford Bill, to which reference had been made. The money received for the sale of the water would be applied to the improvement of the navigation. No ground whatever had been shown for interfering with the regular course pursued with private Bills. Should this Bill be carried in its present form, it would not at all interfere with any measures which the Sanitary Commissioners might adopt for the water supply of the metropolis.

Sir W. MOLESWORTH saw no valid reason for opposing the second reading of this Bill. While improving the navigation of the Lee, it would give a better supply of water to the metropolis.

Mr. BRIGHT said, the Bill appeared to have come before the House under false pretences. Only a majority of two in a meeting of fifty trustees had agreed to promote this Bill; and of those present fifteen were *ex officio* trustees, and a great number took no active part in the business of the trust. The owners of mill property on the Lee complained that they would be seriously injured by the Bill in its present form. He should therefore second the Amendment.

SIR J. DUKE, as one of the trustees, said, he should support the Bill. He denied that so large a number of *ex officio* trustees had been present at the meeting referred to.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read 2°, and committed, and referred to the Committee of Selection.

RELIGIOUS PERSECUTION BY THE NEWRY BOARD OF GUARDIANS.

MR. G. H. MOORE said, he rose for the purpose of putting a question to the right hon. Gentleman the Secretary for Ireland, of which he had already given notice. On the 6th of April, four pauper children applied for and obtained admission into the Newry workhouse. When asked by the board what religion they professed, they replied that they were Roman Catholics. But it was almost impossible to believe that, after that plain avowal, the board put the religion of those children to the vote, and decided that they were Presbyterians—and that they should be treated as Presbyterians in the workhouse. One of these children, whose conscience the guardians thus cruelly ignored, was sixteen years old, according to her own statement: the guardians, he believed, had decided her to be fourteen. She was at all events arrived at the age of discretion. She might be hanged or transported if she had committed a crime at that age; and if the law held a person of that age to be responsible for his acts, it must be taken for granted that she had some notion of religious matters. A few days after the extraordinary decision of the board, she brought a charge against the matron of the workhouse, for dragging her, against her earnest entreaties and protests, into a Presbyterian place of worship. The case was inquired into before the board of guardians, and they decided that they had already voted that the girl was a Presbyterian, and that the matron was perfectly justified in dragging her to a Presbyterian place of worship. As these proceedings on the part of the board appeared to be of a most extraordinary character, he should wish to be informed whether the right hon. Gentleman had inquired into the matter?

SIR W. SOMERVILLE had made some inquiry into the matter, and the only information of an official character which had reached him was an extract from the proceedings of the board of guardians containing a resolution to the effect that, in their opinion, the charge brought against the matron was wholly unsubstantiated. But he was quite aware that that did not meet the charge against the board of guardians themselves, and he had already written for further information.

SUPPLY—HOUSES OF PARLIAMENT.

House in Committee of Supply.

Motion made, and Question proposed—

> "That a sum, not exceeding 92,300*l.*, be granted to Her Majesty, to pay the Salaries and Expenses of the two Houses of Parliament, and Allowances to Retired Officers of the two Houses, to the 31st day of March, 1851."

MR. HUME said, he found there was a considerable increase in the amount proposed to be voted as salaries and expenses of the House of Lords. Last year it was 21,900*l.*; in the present estimate it was 32,400*l.* The amount required in aid of the fee fund was last year 14,000*l.*; in the present year 24,500*l.*

The CHANCELLOR OF THE EXCHEQUER said, that the expenditure of the House of Lords was in process of progressive reduction. The cause of the increase in the vote this year was, that during the last few years there had been a balance of money received from fees, which was partly unexpended last year, and which was available for reducing this demand upon the Treasury. This balance having been expended last year, a greater proportion of the salaries and expenses of the House of Lords had to be met by the vote now before the House.

MR. V. SMITH said, that a very careful report had been made by a Committee of the House of Lords upon the salaries of their officers. The Treasury ought to have put hon. Members in possession of this report, so that they might see how the money was voted.

MR. HUME proposed to reduce the vote by 32,400*l.*, the amount of the salaries, &c., of the officers of the House of Lords, in order that the Government might have the opportunity of laying the report of their Lordships' Committee before the House.

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 59,900*l.*, be granted to Her Majesty, to pay the Salaries and Expenses of the two Houses of Parliament, and Allowances to retired Officers of the two Houses, to the 31st day of March, 1851."

The CHANCELLOR OF THE EXCHEQUER said, the Committee on Miscellaneous Estimates expressed a hope that the accounts and expenditure of the House of Lords would be submitted to a searching revision by a Committee of that House. This revision was going on, and he should therefore oppose the Motion.

MR. HUME replied, that the House had at present no proof of this searching investigation.

The Committee divided:—Ayes 48; Noes 110: Majority 62.

Original Question put.

Vote agreed to

SUPPLY—THE TREASURY.

On Vote (2.), 56,100*l.* for the salaries and expenses of the Treasury,

MR. FORBES moved a reduction of 10 per cent upon the sums voted for salaries in this vote, which would reduce the entire vote to 50,490*l.* He believed such a reduction would prove a benefit to the country, and at the same time add to the popularity of the Government; and he should be very glad to think that his constituents had not lost more than that by the alterations in the commercial policy of the country.

COLONEL THOMPSON was in the receipt of information showing that his constituents, not by their own wrong, but by the occasion of a wrong inflicted on them, were 20 per cent better off now than they had been under protection. He considered himself, therefore, entitled to ask to be set off against the hon. Member.

COLONEL SIBTHORP said, his hon. Friend the Member for Stirlingshire had very properly excepted the salaries of the First and junior Lords of the Treasury and the Chancellor of the Exchequer from his Motion, because the salaries of those higher officers were now now under the consideration of a Select Committee. He thought, however, that the Chancellor of the Exchequer was bound to pledge himself to adopt the decision of that Committee, whatever it might be, and whatever reduction they might recommend in the salaries upon which the right hon. Gentleman and his Colleagues had fattened.

The CHANCELLOR OF THE EXCHEQUER would not enter into the question whether Her Majesty's Ministers had grown fat or lean since their accession to office. But if the Committee upstairs should recommend a reduction of the salaries paid to high political officers, those salaries would be reduced from that time.

MR. HUME should not be disposed to agree to a reduction of 10 per cent in the salaries of the forty-five junior and other clerks, who were now in the receipt of from 90*l.* to 200*l.* or 400*l.* per annum. He was favourable to a reduction of the number of the clerks, rather than of their salaries. He trusted that some examination would be instituted into their qualifications before clerks were admitted, because young men, very unfit to enter the Treasury, were sometimes appointed. Was there any necessity to have twenty messengers in the Treasury, at a cost per annum of 2,315*l.*?

The CHANCELLOR OF THE EXCHEQUER agreed with his hon. Friend, that the true principle of reduction in the Treasury was rather a reduction of numbers than of salaries. A reduction of 5,800*l.* in the salaries and expenditure of the Treasury had been made within the last few years. He did not think the number of messengers too great.

MR. M'GREGOR believed that at the Treasury, as well as at the Board of Trade, there were too few messengers, instead of being a superabundance.

MR. DISRAELI said, the hon. Member who introduced the Motion could see from the manner in which it was received what were its chances of success. There were two circumstances which made any proposition coming from his side of the House, on the subject of economy in the public expenditure, not likely to be very successful. One was the existence of the Committee which was sitting on the subject, and another was the existence of the Reform Financial Association. As long as those two bodies were at work, it was not probable any economical proposition from the Opposition side of the House would be successful. He should therefore recommend his hon. Friend to withdraw his Motion.

MR. FORBES said, that his hon. Friend had stated what he believed to be a melancholy truth, and as it was of no use to divide the House, he would withdraw the Motion.

COLONEL THOMPSON hoped that the financial reformers would never, without great consideration, agree to any Motion for a reduction in the expenditure coming from the Opposition side of the House, which was prefaced by the assertion that the proposition was founded on the sufferings of the country arising out of the recent changes in our commercial legislation. The financial reformers were always ready to contend that the people were a great deal more able to meet any expense than they were before; though that would form no reason for needless expenditure.

Mr. HUME protested against the doctrine of the hon. and gallant Colonel. He (Mr. Hume) would support a proposal for economy coming from any side of the House. The only question at present before them was, whether the salaries given were more than was necessary, considering the amount of business done.

Mr. COBDEN said, he was anxious that the country should exactly understand the difference between the financial reformers and the hon. Member for Buckinghamshire and those who followed him. He was anxious that no mistake should exist on the point. The proposition of the hon. Gentleman the Member for Stirlingshire was this, that the country ought no longer to continue to pay the same salaries to those who were in its service as formerly, because they no longer enjoyed the blessings of the corn law. That was the proposition; and the proposition of the hon. Member for Oxfordshire—for it all originated with him—was this, that they should reduce the wages of all their public servants, whatever was their yearly salary or weekly wages, and that they should not stop till they came down to the postmen who delivered them their letters at 10s. a week. Hon. Gentlemen opposite, in thus discussing that question, founded their arguments on the assertion that the country was now less able to pay the same salaries in consequence of the recent change in their commercial policy. There he (Mr. Cobden) parted company with the financial reformers on the other side, and he was willing to join issue on the subject before the country. It was proposed to reduce the wages of all the servants employed under the Government, which was by far the largest employer of labour of all kinds in the country. They employed 8,000 or 9,000 men—shipbuilders, carpenters, and labourers in the dockyards, and tens of thousands were employed in the Post Office, and it was proposed to give the signal to the entire country of a universal reduction of wages. He called that a war upon wages. Unless hon. Gentlemen were prepared to carry the same principle into all the private establishments in the country, how in common justice could they propose to cut down the salaries and wages of the Government servants? Did they mean to deal with the servants of the Government in a different manner from those who were employed in private establishments? And if they meant that there should be a universal reduction of wages throughout the country, he would not be a party to any such reduction. It was not necessary, it was not just, and he doubted if it was practicable. So far from the late commercial policy of the country cheapening labour and diminishing the resources of the country, he believed the contrary to be the truth. With respect to the West Riding of Yorkshire, where a large amount of labour was employed, he could positively affirm, that never within his knowledge of that part of the country were the people so well employed, never had they such ample remuneration when measured by the command which their wages gave them over the necessaries and comforts of life. So far from there being a tendency to reduce wages now, the tendency had been during the last twelvemonths in the other direction. They were not, then, warranted in the assumption that the people were suffering from their late commercial policy. The facts were against them. If the agricultural labourers were in a different condition, why not get employment for them? There was plenty of scope for it. Let them be employed in increasing production. Let hon. Gentlemen find the means of bringing more capital upon the soil. If they did not choose to do these things, let them not come to that House and proclaim that wages were reduced, and free trade a failure, when the fact was, that with regard to employment and the general circumstances of the country, it was signally successful. He would join hon. Gentlemen opposite in reducing inordinate salaries, or any salaries where the services rendered were not sufficient for the payment made, but he would not join them in a cry for universal reduction of wages; he would never join in any sweeping and unreasonable proposition of this kind; he would never join them in a spiteful and malicious vote, designed in a miserable spirit of retaliation, in order to make the system of free trade unfavourable in the country.

Mr. DISRAELI said, there appeared more excitement on the side of the House of the hon. Member for the West Riding who had just sat down, than on the Opposition side. The hon. Member had assured the House of the prosperity of the country, and the great success of the commercial changes which had lately taken place. Now, although the present discussion was not called up by the matter then under consideration, he was sure the House would be glad to hear that, although, as was admitted, there were some districts—particularly the agricultural districts—which were not in so flourishing a state as was imagined, there were others which were not in a similar condition. But if the hon. Member for the West Riding appealed so triumphantly to the improvement of the condition of the labouring classes, he would refer the hon. Member to the hon. Member for Manchester for information on that point, and would recommend the hon. Member for the West Riding to ask the hon. Member for Manchester whether or not his mills were at that moment closed? That was not a circumstance, however, of an isolated character. The hon. Member for Manchester was not a man of that want of enterprise or capital who would unnecessarily resort to such a proceeding as the closing of his mills. Now, that was a fact which was not exactly consistent with the general prosperity in the manufacturing districts which the hon. Member for the West Riding described. He thought the hon. Member for the West Riding was entirely mistaken in the line which he supposed hon. Gentlemen at the Opposition side of the House were taking on the subject of retrenchment. They did not call themselves financial reformers, as the hon. Gentleman the Member for the West Riding and his friends did. They did nothing of the kind. What were the circumstances of the case? They found great distress prevalent amongst those classes—the middle classes he meant—which the hon. Member for the West Riding told them were the most important classes of the community. The hon. Gentleman could not deny that. The agricultural middle class were in a state of distress, and they were told that the middle class connected with trade and commerce were equally so. An hon. Member had lately told the House that no less than a hundred millions sterling had been lost in the large towns which the hon. Member for the West Riding described as in such a state of prosperity. It being the fact, then, that the great body of the middle classes was in a condition of great distress, they who represented the middle classes, and, for his own part, he could say he represented about 60,000 of that body, felt it to be their duty on every occasion to support such measures of just and rational retrenchment as might be brought forward, founded, not upon statements merely hypothetical, like some propositions brought forward by hon. Gentlemen opposite, but upon arguments based upon a full knowledge of the case. They had never introduced these propositions for retrenchment upon the allegation of the condition of one particular class, but upon the consideration of the general state of the country, What, then, had they done? The hon. Member for Oxfordshire had proposed a measure for the reduction of all fixed salaries to a certain extent. The hon. Member for the West Riding had come forward upon that and every similar occasion, confounding the question of wages with fixed salaries. On the present occasion, also, the hon. Member had risen and said, they at his (Mr. Disraeli's) side of the House were attacking wages. He could assert that they were not attacking wages. What they said was this, that seeing the altered position of the country, and the paying power of those classes which the hon. Member for the West Riding had described as important, having been reduced—that class having been sunk to great distress—all fixed payments of public salaries and expenditure ought to undergo rational, effective, and just revision. But no one had said a word about salaries; and the hon. Gentleman on that as on every other occasion, had confounded wages with fixed salaries. He (Mr. Disraeli) had said that the middle classes were suffering, and he supposed no hon. Gentleman would deny that statement. Would the hon. and gallant Member for Bradford deny it? Had not his constituents lost a good deal during the last few years?

Colonel THOMPSON: On the contrary, they have gained a great deal, and they are in a better condition than they ever were in their lives.

Mr. DISRAELI: The hon. and gallant Member has made a sally not quite Parliamentary; but he would ask whether the constituents of the hon. and gallant Colonel had not lost by railroads? Had it not been stated the other night on the other side of the House that there was not one great town in the north of England which had not been half ruined by these railroads? And if that were not so, the House ought certainly to view with suspicion the statements made by those financial reformers. He hoped he had clearly explained the motives which had induced hon. Gentlemen on his side of the House to support reasonable measures of retrenchment. They were in favour of such measures, because they believed that the paying power of the country was reduced, and that it was reduced because the middle classes were not at present in a condition in which they could maintain those expensive establishments which they had maintained at a preceding period and under other circumstances.

MR. V. SMITH said, he thought it would be a great misfortune if on every subject of public economy they were to recur to the questions of free trade and protection. The real point which the House had then to consider was, whether a certain sum would be an adequate payment for certain services. He did not agree with the hon. Member for Buckinghamshire that the paying power of the country had of late years become reduced; on the contrary, he thought the state of the revenue showed that it had increased. He was quite ready, however, to admit that it would be just and reasonable that the House should from time to time diminish public salaries if it should be found that a reduction had taken place in the prices of commodities. But it appeared to him that the House had not yet had sufficient experience of the effects of free trade to justify its adoption of the proposal to effect a reduction of public salaries. In his opinion, a percentage reduction of salaries would be an unfair mode of proceeding, and he had therefore voted against the proposal of the hon. Member for Oxfordshire upon that subject. But he certainly thought that there were anomalies in the salaries paid to some public officers, which required revision. He found, for instance, that the salaries of the Secretaries of the Treasury amounted to 2,500*l.* a year, while all the heads of departments recently appointed were in the receipt of only 2,000*l.* a year; that latter sum being the amount of the salaries of the President of the Council, of the President of the Poor Law Board, and of other officers discharging duties of the highest importance. But he could not help thinking that there was a conclusive reason why the House should not adopt the proposal then under their consideration; and that was, that as they had at that moment a Select Committee inquiring into the question of public salaries, it would not be advisable that they should adopt any particular measure of retrenchment until they should have received the report of that Committee.

MR. NEWDEGATE said, that the right hon. Gentleman the Member for Northampton had entirely misrepresented the grounds on which his hon. Friend the Member for Oxfordshire had proposed the reduction he had submitted to the House. That proposal had been supported distinctly on this ground, that as a great and permanent reduction had taken place in the cost of all consumable articles in this country, it was just and reasonable that a proportionate reduction should take place in the salaries of public officers. The amount of these salaries had been raised in the years 1801, 1810, 1812, and 1816, in consequence of increased prices; and he thought it but fair, that as a fall in prices had recently taken place, the House should accommodate salaries to the altered circumstances of the recipients, and of the country generally. The right hon. Gentleman the Member for Northampton had said that his (Mr. Newdegate's) hon. Friend the Member for Oxfordshire had proposed a percentage reduction, without reference to the anomalies which existed in the amount of the different salaries, computed according to analogous cases of employment, and the labour performed. But his hon. Friend had done no such thing. He had merely proposed that there should be a reduction of salaries such as the altered circumstances of the recipients and of the country would justify, and that the cases should be taken singularly, one by one, into consideration according to their respective merits. He (Mr. Newdegate) should like to know on what principle the hon. Gentleman the Member for the West Riding based his proposals for financial reform and retrenchment. The hon. Gentleman seemed to discard the principle that the public officers should receive remuneration accommodated to the circumstances in which those officers were placed, and to the nature of the duties they had to perform. Was this the fact? The hon. Gentleman was silent; but if he rejected that principle, then he (Mr. Newdegate) should ask, on what other principle he based his proposals for retrenchment? Those proposals, it should be observed, were almost exclusively confined to our military and naval defensive establishments; and no sooner did any hon. Member on that (the Opposition) side of the House propose a reduction in the civil service, than the hon. Member shrank from the proposal, and declared that it was a malicious clap-trap got up by a discontented faction. Why was the hon. Member so tender to the civil service, and so severe to the military service? Was it possible that, speculating upon future contingencies, he thought the time might come when he should have reason to lament a reduction in the salaries of the civil servants of the country? Or was it that the hon. Member was animated solely by a desire to reduce our defensive establishments? Did the hon. Member wish to see our trade unprotected? The other night the hon. Member had certainly shown himself the advocate of pirates; but he had only been supported by a small minority of about twenty Members. Did the hon. Member wish to see our China trade unprotected? Or was he so jealous of the greatness of this country among the nations of the world that he was endeavouring, by destroying our defensive establishments, to verify his own saying in that House, that "it was time for us to leave off singing 'Rule Britannia?'" If the hon. Gentleman merely wished to adapt the salaries of public servants to the circumstances of the country, and of those servants themselves, why was he so hostile to any proposal for retrenchment that emanated from that (the Opposition) side of the House, and reject the co-operation which was spontaneously tendered to him in the cause of economy. One thing was clear, namely, that they should never look for the cordial co-operation of the hon. Member in any attempt to reduce the salaries of those who had reaped the full advantages of the reduction in prices consequent on the adoption of free trade—that was to say, of those public officers whose position, as residents in this country had been materially altered by the measures which the hon. Gentleman had promoted.

Vote agreed to, as was also a Vote (3.) for 26,000*l.* for the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department.

SUPPLY—FOREIGN OFFICE—THE PASSPORT SYSTEM.

(4.) 71,000*l.* for the salaries and expenses of the office of Her Majesty's Secretary of State for Foreign Affairs,

VISCOUNT MAHON said, there was a matter in connexion with this vote which seemed to him anomalous and defective, namely, the passports granted to Her Majesty's subjects about to visit foreign States. He made no charge against the Foreign Secretary, nor did he attach any blame whatever to him, for the fault lay in a system which was of old standing, and the predecessor of the noble Lord had taken the same course as himself. But for that very reason, the question being free from any party considerations, he (Viscount Mahon) asked the noble Lord and the House to consider whether the present mode of granting passports was not susceptible of great improvement. Happily and wisely, we required no passports from our fellow-subjects travelling from one part of the kingdom to another, nor from foreigners who landed upon our shores; but in all continental States a different system prevailed. They required a passport from British subjects. We, then, might take one of two courses: either say that the system was foreign to our habits and feelings, and that, therefore, we would take no part in granting passports; or else take such measures that, though not for ourselves nor for our own objects, our own authorities should grant them. We should either not grant passports at all, or, if we did grant them, let us do so under a proper and intelligible principle. The present mode was most inconvenient. We approved of foreign Ministers residing in England granting passports to British subjects, and we at the same time issued passports at the Foreign Office; but the passport was given gratuitously by the Foreign Minister, whilst by our own Minister a large premium was exacted. When he (Viscount Mahon) was Under Secretary of State for Foreign Affairs under the Duke of Wellington, he had an opportunity of seeing how the system worked; and it now remained the same. A fee of two guineas and a half on each passport was demanded at the Foreign Office. The result was that of the thousands or tens of thousands of British subjects proceeding yearly to the Continent, only an insignificant number obtained passports from the Foreign Office, being deterred by the expense. There were some, indeed, who thought it desirable to travel under the passport of the British authorities; but even these persons might easily evade the charge which the Foreign Office made. Suppose, for instance, that a person was desirous of travelling to Madrid or Vienna, and applied at the Foreign Office at home for a passport, the charge was two guineas and a half; but if he obtained a passport from the French Ambassador in London, so far as Paris, he might when once at Paris, obtain from the British Ambassador a passport to Madrid or to Vienna for nothing. Whilst 2*l.* 12*s.* was charged at home, the British Legation abroad gave the passport free of charge. So that the present system was not only defective and anomalous, but led to evasion. He thought it would be much better to reduce the charge to 4*s.* or 5*s.*, and then the passports of the Foreign Office here would be eagerly sought after, for British subjects would prefer travelling directly under the passport of the Foreign Office. The present high charge of two guineas and a half defeated itself; it was neither a source of emolument, nor a guarantee of security. It was also to be observed that Austria alone, of continental States, refused to receive a passport not regularly *viséd* by Her own Ministers and functionaries. One might travel from Munich to Berlin under the passport of the British Minister without any *visé* from any Prussian functionary, but could not proceed to Vienna without a *visé* by the Austrian Ambassador. The time which the granting of passports occasioned occupied a great portion of the time of our foreign legations, and it would be more cheaply, more efficiently, and more satisfactorily done at home. He had the authority of our late lamented Minister in Sweden, Sir Thomas Cartwright—whom he might be allowed to name as a most upright and most intelligent servant of the State—that while he was stationed at Frankfort as Minister, Frankfort being a central point where thousands of English passed continually, almost the whole time of one of the gentlemen in his legation was consumed in granting passports and *visés.* As regarded the system of passports generally, he would be very glad to see them entirely done away with by foreign Powers—for experience had proved that they gave no protection or security to the State which required them, and that they only led to inconvenience, annoyance, and delay to individuals. There was a disposition in France some time ago, he believed, to abolish the system; and the distinguished Personage who presided over France was anxious to get rid of it; he only regretted that his wishes were not accomplished. He was quite sure the noble Lord would give the subject his best attention, and in another Session of Parliament the question might, he thought, be not unworthy the inquiry and consideration of a Committee of the House, for which he (Viscount Mahon) might, perhaps, be inclined to move.

VISCOUNT PALMERSTON said, it was quite true, as his noble Friend had remarked, that there was an anomaly in the present system of arrangement regarding passports, and that the sum paid to the Foreign Office was higher than that required by any Foreign Minister residing here, if, indeed, the latter charged any fee at all. But his noble Friend must know that the sum charged for passports at the Foreign Office consisted partly of the stamp duty and partly of the fee which was paid into the aggregate fee fund, out of which the expenses of the offices of the three Secretaries of State were paid. If the charge at the Foreign Office was smaller, it would probably happen that a larger number of persons would seek passports there; but the consequence would be, that a greater number of clerks would be required there; indeed, a considerable addition would be needed to the present staff there, which was already inadequate to the performance of the duties at present imposed on it. Thus the adoption of the plan would interfere materially with the transaction of other more important business, and would increase the expense of the establishment. And even as to the convenience of individuals, he was not sure that it would be productive of any very material advantage. No British subject who at present went abroad was in want of a passport. He could obtain them from the Belgian, French, or Spanish Embassies when travelling to those countries, and exchange them abroad for British passports upon easy terms. A British passport might be easily obtained in Paris, and, considering the great number of British subjects who travelled only short distances on the Continent, he could not see any great improvement in the change proposed. Seeing, therefore, that the plan suggested by his noble Friend would occasion considerable additional expense in the establishment over which he presided; that there was not room there for more than the present number of clerks; and that no practical inconvenience existed—he did not think it would be desirable to alter the present system.

MR. HUME did not think it was consistent with the dignity of England that her subjects should travel under foreign passports. He remembered travelling on the Continent some years ago, and he was the only person out of a party of twenty-two who carried the passport signed by the British Minister at home. Englishmen ought always to travel under their own, and not under foreign, colours. As to the expense, he thought a charge of two or three shillings on each passport would defray the whole of it. He knew no man in that House more anxious to maintain the dignity and honour of England than the noble Lord at the head of the Foreign Office; yet this was an anomaly which he thought the noble Lord had not given sufficient reasons for not removing. He wished to know from the noble Lord how many passports had last year been issued by the Foreign Office?

MR. ROEBUCK hoped the noble Lord would not answer that question. The person who travelled with a British passport travelled under the protection of the British flag, which guaranteed him a character. Now, he wished to ask, was that protection and that character to be obtained for half-a-crown, or a crown, or even two guineas? He advised the noble Secretary opposite not to place the British passport in the hands of every man who had money to command it. He (Mr. Roebuck) wished to see the system abolished altogether, and that the English nation would set the example to the rest of Europe, by declaring she would grant no more passports. England should proclaim the non-necessity of them, and declare that every man who travelled did so under the safeguard of the law, and that wherever he went, as a subject of England, the power of the law protected him, so that he consequently required no passport. They were not necessary, for the rogue and the evil-designed could ever have one. Throughout the thirty republics of America there was no passport; and he thought the same system should be adopted in England. Therefore, in his opinion, the noble Lord ought not to answer the question of the hon. Member for Montrose, because the fewer passports he gave the better.

MR. COBDEN said, his experience of the Foreign Office passports showed him that they were not superior or better in any way to the passports given by the Consuls. He had tried both, and, whilst having to pay 2*l.* 2*s.* for the Foreign Office passport, he had nothing to pay for the passport of the Consul.

MR. V. SMITH said, that if the suggestion of the hon. and learned Member for Sheffield were acted on, it might lead to great inconvenience to British subjects, and therefore the consideration should be, whether a better system of granting passports could not be adopted. As there appeared to be a general wish for the abolition of passports altogether, and as he understood there had been some negotiation on the subject with France, he would ask the noble Lord whether he had had any communication with any other Power of Europe, and whether there was any probability of that most absurd system of passports being abolished?

VISCOUNT PALMERSTON said, he certainly had a very good reason for not answering the question of his hon. Friend the Member for Montrose, as he was not able to do so; but he could say that a very small number of passports had been granted at the Foreign Office. As to the question of his right hon. Friend the Member for Northampton, there had been no communication made by Her Majesty's Government to any foreign Government in regard to this matter, which peculiarly belonged to their own internal regulations. He did not know of any ground upon which we should be justified in asking any foreign Government to dispense with regulations which they adopted for their own internal purposes; but certainly, some time ago, there was reason to think that the French Government was going to reconsider these arrangements. He had not heard that they had carried that intention into effect, nor had he heard that any other Government had any intention of abolishing the system of passports.

MR. ROEBUCK wished to know whether there was any passport between this country and Belgium?

VISCOUNT PALMERSTON believed that passports continued to be given.

VISCOUNT MAHON said, the system to which the hon. and learned Member for Sheffield referred still existed, but was leniently administered. Passports were required, but were not often asked for. The noble Lord the Foreign Secretary, however, had not met the objection of the facility of evading the expense of obtaining British passports at the Foreign Office under the present system.

MR. HUME begged to call the attention of the noble Lord to the charge of 22,000*l.* for Queen's messengers and extra couriers. He thought, since the facilities of travelling by railway had been afforded, that expense might be considerably reduced; though certainly, his desire would be to reduce the number of despatches.

Viscount PALMERSTON said, that both at home and abroad considerable reductions had been recently made in the amount of travelling charges for messsengers and couriers.

Mr. ROEBUCK understood that English messengers travelled much more slowly than foreign messengers; and that they generally arrived two days later than any other. The cause of that was, that the English messenger was paid a certain mileage, and instead of travelling like other couriers, on horseback, he travelled in a carrriage. Instead of going, like a Spanish or French messenger, to Madrid or Athens on horseback, he went in a carriage, and travelled like a gentleman, instead of travelling as a courier. If that could be done away with it would be a good thing.

Viscount PALMERSTON could assure the hon. and learned Gentleman that he was misinformed when he said that the British messengers were at all less expeditious than the messengers of other countries. They always went by railway when that mode of travelling was available, otherwise they travelled in carriages. It was impossible they could carry their bags containing despatches on horseback. As a proof of the zeal with which these messengers rendered their services to the Government of this country, he would mention an instance in which a gentleman (for they were gentlemen) performed his duty on an occasion when it was required that he should make an extraordinary effort. One of the Queen's messengers, Colonel Townley, in order to carry a despatch of very considerable importance from the Foreign Office to Constantinople at the time when a question was pending between Russia and Turkey, was three days and three nights in the saddle without quitting it, and performed that journey in the worst weather and under the greatest possible difficulties. This showed that these servants of the public were willing to perform, and capable of performing duties, when required of them, which one would think it was almost impossible that any human being would be able to go through. He was glad at having this opportunity of doing justice to that excellent courier whose great exertions he had mentioned, and whose zeal had not been surpassed by any person employed in that department of the public service.

Mr. ROEBUCK had no doubt of the truth of the noble Lord's statement; still he understood that while the distance between Paris and Madrid was performed by foreign couriers in five days, an English messenger always took seven days to accomplish the journey. He was informed also that an English messenger always took some person with him, who paid the expenses of the journey to the messenger, although that messenger was paid by the British Government. This was a sort of stigma upon the public service of England; and, at the same time, made it appear that our messenger system was used to subserve the private interest of individuals, to the detriment of the public service.

Viscount PALMERSTON said, it very often happened that it was of great advantage to the public service that the messenger should have some one with him. The messenger never allowed the bags containing the despatches to be out of his possession, and yet his presence was necessary at different places in order to show his passports, to hire horses, and so forth. It would be very difficult for him to do this and to carry his bags with him. It was therefore very convenient and useful to have some person with him. He did not believe that the British messengers were slower travellers than the messengers of other countries. They were required to state the time of their arrival at, and of their departure from, every place; and his impression was that the opinion of the hon. and learned Gentleman was not founded upon a true state of facts.

Mr. HUME asked how it was that 1,345*l.* were charged for two librarians at the Foreign Office? He did not know that the extent of the library there required two librarians at such an expense to the country.

Viscount PALMERSTON replied that these gentlemen, besides their duties as librarians, were employed to arrange and index the despatches and records of the office; and that the present staff, so far from being excessive, was inadequate to the duties to be performed.

Vote agreed to, as were the following votes:—

(5.) 37,400*l.* for the salaries and expenses of the Office of Secretary of State for the Colonies.

(6). 2,000*l.* to pay the salary of the Lord Privy Seal.

(7.) 24,100*l.* for the salaries and contingent expenses of the Postmaster General.

SUPPLY—COMPTROLLERS OF THE EXCHEQUER.

(8.) 6,576*l.* for paying salaries and expenses of the Department of Comptroller General of the Exchequer.

COLONEL SIBTHORP considered that this was one of the most gross jobs that ever was practised by any Government. By Lord Monteagle's appointment to the office of Comptroller General, the noble Lord got what he (Col. Sibthorp) called something comfortable to pop into. When the noble Lord was appointed, a notorious defalcation took place with regard to the Exchequer bills; and he (Col. Sibthorp) moved for the number of days the noble Lord was in his office, and where he was when he was not in his office. He thought he had done some good; for since he had moved for those annual returns the noble Lord was to be found more in his office, and they should have more returns, they might depend upon it. He had made the noble Lord work for his pay. They had there a sum of 6,576*l.* put down, but the salary of the Comptroller General was charged upon the Consolidated Fund. He wished it was charged in that vote, for if it were he would take the sense of the House on a Motion that it be struck off forthwith. The expense of that office was, in fact, 8,576*l.*, and the whole of the business might be performed by the Bank of England much more satisfactorily, and with more security, than at the present board. He would not object to give 500*l.* a year to the assistant comptroller if he could knock off the salary of the Comptroller General.

MR. HUME thought the hon. and gallant Member might with great propriety have struck off the assistant comptroller. [Colonel SIBTHORP: Oh, no, he is the better man of the two.] They could not remove the Comptroller, for the appointment was under Act of Parliament; but he considered that evils arose from the appointment of the assistant comptroller. By that means it had been made a sinecure office, and there should be no office now where duties were not done. There was a chief clerk at 900*l.* a year, and an accountant at 550*l.*, and a considerable number of others. There were also the officers of weights and measures, and he did not see what duties they had to perform. He would suggest to the right hon. Gentleman the Chancellor of the Exchequer that considerable alterations and improvements might be made with respect to them.

The CHANCELLOR OF THE EXCHEQUER was understood to say the subject was under consideration.

Vote agreed to; as was also Vote (9.), for 2,700*l.* for salaries and expenses in the State Paper Office.

SUPPLY—ECCLESIASTICAL COMMISSION.

Motion made, and Question proposed—

"That a sum, not exceeding 3,640*l.*, be granted to Her Majesty, to defray a portion of the expenses of the Ecclesiastical Commissioners."

MR. V. SMITH said, this vote ought not, in his opinion, to appear in the miscellaneous estimates. The Committee which sat on those estimates in 1848 had declared that the expenses might fairly be defrayed out of the funds at the disposal of the Commission. On the 15th of March, 1844, the Commission, in a reply addressed to a communication from the Treasury, agreed to throw on the property entrusted to them such portion of the salary and expenses as might be considered to be immediately connected with its possession and management; and as all the proceedings connected with the Commission had to do either with the possession or the management of the property, that was virtually a consent to defray the entire cost of management. Since the report of the Committee of 1848 was made, the Ecclesiastical Commission had not been exhibited in such a light before the public as to justify the present demand. The time was come when they might very fairly ask the Commissioners to take this expense upon themselves. His only reason for not opposing the vote was, that there was a Bill pending with regard to the Ecclesiastical Commission, and that it was not desirable to raise the question involved in that Bill on that occasion. It was desirable, however, that the House should have some information with respect to the Bill to which he referred.

SIR B. HALL agreed with his right hon. Friend that the House should be informed when the Bill would be proceeded with. They should have as little to do with the Commissioners as the Commissioners desired to have to do with them. Three years had elapsed since the Commissioners had made any report. From the moment that the hon. Member for Cockermouth, in 1847, made any observations on the mode in which the Commission was managed, the Commissioners had declined making, as they were bound to do, their report to the House. On the first of that month orders for returns were agreed to by the House; within a few days after those orders were issued to the episcopal body from the Office of the Secretary of State for the Home Department, but as yet there was no result. Similar delay occurred last year. His hon. Friend the Member for Macclesfield having moved for certain returns with regard to Welch bishoprics, nine months (not a very uncommon period of gestation) elapsed before those returns were obtained from the Bishop of St. David's. It was understood that the noble Lord at the head of the Government would bring forward the subject of the Ecclesiastical Commission on Monday next, and this vote ought to be postponed until the Bill had been discussed. The episcopal body had expended 143,014*l.* in building their own palaces in eight dioceses, and during the period which had been thus occupied, they had applied only the miserable sum of 8,000*l.* to the augmentation of the smaller livings.

Sir G. GREY said, that with regard to the Bill which had been referred to, he could assure the House that there was not the slightest intention on the part of the Government not to proceed with it. Whether they should do so or not on Monday next, must depend on the state of public business. As the subject of the Ecclesiastical Commission had arisen, he was quite willing that the vote should be postponed until after the Bill had been discussed. With respect to the returns referred to by the hon. Member for Marylebone, he must say they were returns with which the Ecclesiastical Commissioners, as such, had nothing whatever to do; they were to be obtained by the bishops from the clergy of their respective dioceses.

Motion withdrawn.

SUPPLY—POOR LAW.

Motion made, and Question proposed—

"That a sum, not exceeding 227,500*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws relating to the Poor, to the 31st day of March, 1851."

Colonel SIBTHORP said, the office of the Poor Law Commission had now been established about twenty years, and he would like to know what good it had ever done. Instead of nine assistant commissioners, there were now thirteen inspectors; but, though the names differed, the nuisance remained. When the poor fell under misfortune, they were still incarcerated in bastilles, and subjected to the most revolting treatment, and it was time that some check were put to the system. On the first establishment of the New Poor Law system, he had predicted that it would confer no benefit on the poor, but quite the contrary; and experience had proved the truth of his prediction. The time had come when some check should be put to the expenditure under this head; and if he did not despair of success, he would divide the Committee. The Treasury bench had, however, not only the aid of its own Members, but of those financial reformers who were great economists on the hustings at least, and said they would insist on a reduction in the expenditure of 10,000,000*l.* He would content himself, therefore, with protesting against the vote.

Colonel DUNNE wished to call the attention of the House, and of the Irish Members particularly, to the fact, that in England the amount of the salaries of the medical officers and schoolmasters and schoolmistresses attached to the poor-law were paid out of the Consolidated Fund. Such was not the case in Ireland, where the taxes pressed so grievously. No assistance of that kind was given in that country, and he would ask the House to consider whether it was not highly unjust that such should continue to be the case.

Mr. HUME said, that he would rather have those charges withdrawn from the Consolidated Fund. He agreed, however, with the hon. and gallant Colonel that not a shilling should be charged on the Consolidated Fund in England, without a corresponding charge as far as Ireland was concerned. With regard to Scotland, he was sorry to say that such an establishment had been introduced into that country. It demoralised the people, and removed that care and prudence which were the peculiar characteristics of the Scotch character.

Mr. BRIGHT said, that he wished for a moment to make an allusion to the salaries paid to the secretaries of the Poor Law Commission. Looking at the estimates he found that the president of the Poor Law Board had 2,000*l.* a year, while the two secretaries had 1,500*l.* a year each. He was sure that it would be no disparagement to the noble Lord the Member for Plymouth, who was one of the secretaries, and had a seat in that House, if he were to say that it was absurd that he, as secretary, received the salary of 1,500*l.* a year, while the president had only 2,000*l.* a year.

The president should be a man of higher standing, and having a greater degree of responsibility. If the secretaries were to have 1,000*l.* a year, and the president's salary to remain where it was, they would be abundantly paid. He was quite satisfied that the salaries of the secretaries were far too high, and he wished to bring the matter under the consideration of the Committee.

Mr. DRUMMOND wished to impress on the hon. Gentleman the Member for Montrose the necessity of having some central board of authority. There would be very much neglect if such were not the case. He was surprised to hear the hon. Gentleman say, that he regretted that the establishment of the poor-law in Scotland was injurious to that country. He hoped that there were persons in that House who had read the reports which had been made on the working of the poor-law in that country, and heard the statement made by the learned Lord Advocate on the subject last year. They would, no doubt, hold a different impression.

Mr. Alderman SIDNEY remarked that, independent of salaries, the thirteen inspectors were allowed 700*l.* a year each for travelling expenses. If they travelled 300 days out of the 365, this charge for travelling expenses was very much beyond what it should be.

Mr. BAINES said, the present secretaries, with the president, were to be considered as representing the board of commissioners which formerly existed. The former board consisted of three commissioners at 2,000*l.* a year each, that was 6,000*l.*; whereas the expense of the present board was but 5,000*l.*, making a saving of 1,000*l.* per annum. With respect to the inspectors, the whole of the duties of the original commissioners had been thrown upon them; and to the exertions of that valuable body of men were to be attributed the degree of success which had attended the working of the poor-law. He was perfectly certain that those gentlemen who, in the capacity of guardians, had rendered most valuable and at the same time gratuitous services, would, from their being brought so frequently into contact with the inspectors, be exactly that class which would be best able to appreciate the value of the duties rendered by those gentlemen. The inspectors were, in fact, the eyes and ears of the central department in each of those districts to which they were appointed. They were constantly applied to by the boards of guardians for advice and information upon the most difficult and delicate subjects connected with the working of the poor-law. They were bound to investigate the conduct of the union officers, and the treatment of the paupers; and were, in fact, always on the spot ready to discharge their duties whenever any grievance existed of which it was necessary for the central board in London to inform itself accurately. In addition to these services, their time was fully occupied in looking after the general affairs of the union, giving advice to the guardians, in inspecting the unions to see that all things were properly conducted, and, in fact, in making the poor-law work as harmoniously and effectually in their districts as possible. His belief was, that at this moment there was not in England a body of more valuable and intelligent public servants than those employed as inspectors under the Poor Law Board; and those hon. Members who had had opportunities of personally witnessing their exertions, would know that he was not employing the language of undue eulogy when he applied that character to them. The number of assistant commissioners under the former Act was 9; under the present it was unlimited, and his predecessor had made the number 13. With respect to the travelling expenses, the rate of allowance, in addition to the salaries, was a guinea per day for travelling and incidental expenses, and the expenses of actual locomotion.

Mr. K. SEYMER said, that the only complaint which he had to make of the inspectors was, that he did not see them often enough in the country.

Mr. BRIGHT said, that he did not think the right hon. Gentleman the Chief Poor Law Commissioner had given a satisfactory answer to either the observation made by himself or by the hon. Member for Stafford. He stated, that at present there were two secretaries and a president, who were to be considered in the place of the board; that the board formerly cost 6,000*l.* a year, while they now paid the president and the two secretaries only 5,000*l.* a year. Why should they be satisfied to pay 5,000*l.* a year because they once paid 6,000*l.* a year. These secretaries stood in the same position to the right hon. Gentleman as the Under Secretary of State did to his principal. It was absurd, then, that he should only have 2,000*l.*, and he (Mr. Bright) did not propose to increase it, while they had 1,500*l.* He would not comment on the capabilities of these gentlemen. They might be as good as any they knew; but their salaries were too high. He intended, therefore, to move that their salaries be diminished by the sum necessary to bring them down to 1,000*l.* a year each. With regard to the inspectors, he would ask whether the guinea a day was not an addition to their salaries, and whether they had not their expenses allowed besides—that was, whether they had not a guinea a day whether they travelled or not? If such were the case, it would be better to have it all charged as salary. With regard to the secretaries, he would ask the Government whether they would not consent to the reduction he proposed?

The CHANCELLOR OF THE EXCHEQUER said, that there were two secretaries, one in Parliament, the other not. The latter used to receive 2,000*l.* as a commissioner, had served thirteen years, and now discharged duties as important for 1,500*l.* It would be exceedingly hard to deprive him of that amount; a piece of more false economy could not be proposed. The salary of the secretary who held a seat in that House would come for consideration before the Committee on official salaries recently appointed, and pending the inquiry of the Committee, it would not be dealing fairly with the office for the House of Commons to interfere. The Government were prepared to act on the recommendations of that Committee when they were made.

Mr. BRIGHT admitted that there was some force in the remark of the right hon. Gentleman, with reference to the salary in the second case being under consideration of the Committee on Official Salaries. All gentlemen were declared efficient when their salaries were made the subject of discussion. He should not divide the House on his proposition.

Mr. J. E. DENISON said, that the principle of allowing the poor-law inspectors a guinea a day whether they travelled or not was a bad one.

Mr. BAINES said, that he had no difficulty in stating that it was his opinion that the guinea a day should be considered as part of the inspectors' salary.

Mr. MONSELL reminded the House of the observation which was made by the hon. and gallant Member for Portarlington, referring to the payment of certain poor-law officials in England out of the Consolidated Fund, when such was not allowed in Ireland.

Sir G. PECHELL said, the hon. and learned Attorney General had insisted, in connexion with the Bill for extending the jurisdiction of the county court, that the judges should not have more than 1,000*l.* a year, nor more than 15*s.* a day for their travelling expenses. Now, he (Sir G. Pechell) did not see why the poor-law inspectors should have a guinea a day for their expenses, if the judges of the county court were only to have 15*s.* He was gratified in being able to express his satisfaction at the manner in which the President of the Poor Law Board discharged his duties.

Colonel RAWDON complained of so much money being paid to poor-law officers out of the Consolidated Fund, while no such assistance was given to Ireland.

The CHANCELLOR OF THE EXCHEQUER said, that in 1846 it had been arranged to pay certain charges for medical officers, &c., out of the Consolidated Fund in England and Scotland, where the county police were not paid by the Government. But the cost of the constabulary in Ireland was paid out of the public Exchequer; for the year ending February last it amounted to 574,000*l.*, having increased upwards of 90,000*l.* within the last two years.

Colonel DUNNE said, that the police in Ireland ought to be reckoned as a military force. The expense of the poor-law in Ireland had much increased since the arrangement made in 1846.

Sir R. FERGUSON reminded the Chancellor of the Exchequer that a portion of the constabulary expenses had always been borne by the Consolidated Fund. The portion borne by local taxation had never exceeded 160,000*l.* or 180,000*l.*

Mr. BRIGHT did not think that Ireland was so badly used in this matter, after all, seeing that last year 62,800*l.* was voted for the poor-law establishment of Ireland, and only 35,000*l.* for that of England. With respect to general local taxation, he begged to say that a thorough reform of the grand-jury system would enable Ireland to obtain a reduction of that without coming to that House.

Mr. MONSELL said, that supposing the grand-jury system were reformed, the only saving that could be effected by that means was upon the 1,100,000*l.* of grand-jury cess; and of that sum the hon. Member would perhaps be surprised to learn the grand juries had the control over one-fourth only, the rest being compulsory. Since the period when the right hon. Member for Tamworth made the arrangements which were alluded to by the Chancellor of the Exchequer, the poor-rates in Ireland had increased from 13,000*l.* to 14,000*l.* a year, which surely ought to be taken into account by the House; and it should be recollected that the local taxation in Ireland amounted to rather more than 5*s.*, whilst the whole amount of local taxation in England, as stated by the Chancellor of the Exchequer last year, amounted to 2*s.* 4½*d.* in the pound.

Mr. Alderman SIDNEY was anxious that the President of the Poor Law Board should give the House some distinct assurance as to the emoluments of inspectors. A great number of gentlemen gave their time to the administration of the poor-law, and rendered great services without remuneration. He wished to know whether, of the thirteen inspectors, each inspector was to have a clerk allowed to him? There were other inspectors who had no clerks allowed to them. There were the inspectors of factories, and there was scarcely a union in England where they were not obliged to employ clerks for Parliamentary returns. He did not know what was the duty of inspectors, which should require them to keep a clerk. He wished the right hon. Gentleman to state what was the fixed amount of salary which he would in future recommend, and whether he intended to discontinue all allowance for travelling expenses? There was one inspector for every four counties, and therefore the expenses of travelling were quite unnecessary.

Mr. V. SMITH said, that the poor-law was admirably managed in Scotland, and Sir M. O'Neile received only 1,200*l.* a year. He begged to ask why the Irish board should keep an architect?

Sir W. SOMERVILLE: In addition to the general duties of visiting and inspecting buildings, there were now a number of workhouses in the course of erection, and his duties became very much increased. The building of workhouses was undertaken in this country by the board of guardians, who employed their own architect. In Ireland it was undertaken by a person in the employment of the commission.

Mr. ARKWRIGHT moved, as an Amendment upon the Vote then under consideration, that instead of thirteen inspectors—eight at 700*l.* a year, and five at 500*l.* a year—the number should be reduced to eight—namely, three at 700*l.* a year each, and five at 500*l.*—making a total reduction of 3,500*l.*

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 224,000*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws relating to the Poor, to the 31st day of March, 1851."

Mr. Alderman COPELAND supported the Motion. It was quite impossible that taxation could go on on the present system, and the Government ought to apply their minds to the question whether the property of the country should pay the taxation.

Sir R. PRICE said, that the question was whether the board was too large for the purposes for which it was intended. In his opinion, the poor-law would be of little use if they in any degree diminished the power of the board in London. They should have a board of supervision to keep every part of the country under control until one general system was adopted. He bore his testimony in favour of the present law, and in favour of the right hon. Gentleman at the head of the establishment, believing that he was doing his duty beneficially to the country, and with honour to himself. Although he did not say that it might not be possible to reduce the number of inspectors, he said that the House was not thoroughly conversant with the subject, and the board in London would be weakened if they took away a large part of its establishment.

Sir G. GREY said, that the increase of the number of inspectors was founded on the recommendation of the Committee, which went fully into the whole administration of the poor-law. They reported that the number of inspectors was insufficient to enable the central board to exercise that supervision which was indispensable to the due administration of the law. Government had proposed the limit at twelve, but the hon. Member for Somersetshire had said that it was indiscreet to fix the limit at twelve, thinking that a larger number might be necessary for the due administration of the law.

Mr. BRIGHT would not consent to vote for the proposition unless they had some more information on the subject. He thought that it was quite within the bounds of probability that thirteen inspectors were too many, but it did not appear that eight would be a sufficient number. If the right hon. Gentleman the President of the Board would give his opinion that they could be reduced, he would vote for such reduction.

Mr. Alderman COPELAND said, he had been assured that in the borough which he had the honour to represent, for every shilling spent in the maintenance of the poor, another shilling was spent in maintaining the executive.

Mr. BAINES said, that with regard to the number of inspectors all he could say was, that when the question came under discussion in 1847—there having been nine up to that time—Parliament came to the conclusion that that number was insufficient. The next proposition went to increasing the number to twelve, and a clause was introduced making that the limit; but it was the opinion of the House that the limit of twelve should be struck out, lest circumstances might at a future day require a greater number. When his predecessor (Mr. Buller) came into office, he considered maturely the question of the number of inspectors, and when examined before the Committee, gave it as his deliberate opinion that less than thirteen would not be sufficient. On his responsibility he made the number thirteen; and everything that had occurred to him (Mr. Baines) during the year and a half he had been in office, had led him to believe that thirteen was the proper number. But he confessed he was not surprised that this Motion should come from the hon. Member, because a short time since a petition had come up from Leominster for the reduction of the expenditure at Somerset House; and about a week after, the board was obliged to consider a plan, emanating from the guardians of that union, by which the salaries of all its officers were to be reduced 20 per cent, in consequence of the reduction in the prices of agricultural produce. The board, although anxious at all times to treat the recommendations of boards of guardians with respect, had declined to agree to that proposal, alleging that the salaries had not been raised with the rise in provisions, and that until the present state of things had become permanent, it would not be expedient to do anything calculated to interfere with the efficient working of the poor-law. They had given that opinion, and hence the present Motion.

Sir W. JOLLIFFE was not disposed to support the Amendment, considering it necessary to have that efficient inspection, the want of which had been a complaint especially prominent in the Andover Union inquiry. There were, however, many items in this enormous estimate, which he thought objectionable. For example, he wanted to know how many auditors there were, and in what proportions the large item of 13,500*l.* was distributed among them.

Mr. BAINES could not exactly say at the moment how many auditors there were, but the salaries varied from 250*l.* to 500*l.* per annum, according to the districts. The increase in the charge under this head, from 13,000*l.* to 13,500*l.*, was occasioned by the expense of advertising the various audits.

The Committee divided:—Ayes 36; Noes 157: Majority 121.

Original Question again proposed.

Mr. Alderman SIDNEY objected to the number and expense of the auditors. The expense of railway audit, which was so intricate, was only about one-fourth that of the poor-law. He moved that the sum be reduced by 8,000*l.*, which would leave sufficient to pay ten auditors 500*l.* a year each.

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 219,500*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws relating to the Poor, to the 31st day of March, 1851."

Mr. BAINES said, that recently a great deal of additional duty had been imposed upon the auditors, who were not at all overpaid. The salaries of some were only 250*l.*, while none were above 500*l.* He was of opinion that there was no room for retrenchment.

Mr. Alderman COPELAND hoped that his hon. Friend would not divide the Committee, but still thought that the subject required investigation.

Viscount EBRINGTON said, that the number of auditors had been the same ever since he had been on the Poor Law Board. [Mr. Alderman Sidney: How many are there?] Could not say exactly how many.

Mr. BAINES would undertake to let the hon. Member know by note to-morrow morning the exact number.

Mr. W. MILES suggested that in future the estimates should be accompanied by a statement of the number of auditors, their salaries, and services. He must say, however, that they were a most useful and efficient class of servants in the working of the poor-law.

Mr HUME would support the Motion, on the understanding that the payment of the auditors should be thrown on the unions, and that each union should pay for its own auditors.

Mr. Alderman COPELAND felt assured that, in that case, the accounts of each union would be audited for 50*l.* He knew it could be done in the union of Stoke-upon-Trent. Some of his constituents waited upon him last week, and stated that in that borough for every shilling applied to the relief of the poor the executive cost another shilling.

Mr. SLANEY would oppose the Motion on the ground of economy, to which he considered the auditors contributed in a large degree. He believed that the executive only cost 20 per cent on the outlay for the poor.

Mr. BAINES said, that the hon. Alderman would find in the appendix to the estimates all the information he required respecting the districts, the salaries, and the number of auditors. The whole number of auditors was fifty, their salaries varied from 90*l.* to 450*l.*, the average of salaries being 270*l.* The number of unions was upwards of 600.

Mr. Alderman SIDNEY said, that he should nevertheless divide, because, with only six auditors in Ireland, he did not see what was wanted in England with fifty.

Mr. BRIGHT thought the explanation of the right hon. Gentleman the Chief Commissioner satisfactory. The hon. Alderman had said he would undertake to audit each union for 50*l.*; but as the unions were 600, it would appear by an easy calculation that the sum at present paid was only about 22*l.* There would, therefore, be no economy in adopting the hon. Alderman's offer.

Colonel SIBTHORP said, hon. Members opposite gave a very singular support to Her Majesty's Ministers in that House on these questions, which contrasted very oddly with their reform and retrenchment speeches on the hustings. But wherever there was honey there would be found bees —or rather drones. The conduct of hon. Gentlemen opposite showed them to be, as far as the principles of economy were concerned, mere shams and shadows. Every day he passed through the streets of the metropolis he met persons who cautioned him to beware of the traps of the free-traders, who would, he hoped, some fine morning be caught in their own traps.

The Committee divided:—Ayes 56; Noes 181: Majority 125.

Mr. W. MILES said, with regard to the item of 35,000*l.* for the salaries of schoolmasters and schoolmistresses in unions, that ever since the new system of the Government paying the schoolmasters and schoolmistresses, came into operation in 1846, though alterations might have taken place in the salaries, this item had always remained the same.

Mr. BAINES regretted that not having had notice of the question, he was not in a position to answer it; and he was not aware that exactly the same sum had been voted since 1846. The right hon. Baronet who introduced the change in 1846 did it with a view of improving the character of the schools, and it was then proposed that the schoolmasters and schoolmistresses should be paid out of the Consolidated Fund. The highest salary given was 60*l.* a year with rations, and he believed they ranged from 10*l.* to 60*l.* The greatest care had been taken to increase the efficiency of the schoolmasters; there had been communications between the Commission and the Committee of Privy Council on the subject, and he believed that upon the whole the character of the schools had been greatly improved.

Mr. W. MILES said, it really did seem to him that on such a vote as this they should have the fullest information. When the salaries were adjusted, those schoolmasters and schoolmistresses who were inefficient, he presumed would be discharged. He wished to know whether that had been done, and whether the education of the poor was conducted in an efficient and proper manner? It was only with this view that he put the question.

Mr. BAINES could answer that that had been the case within the last two years. Of course these improvements were gradual. There was a constant course of improvement now proceeding.

Mr. Alderman COPELAND thought that in the absence of information it was his duty to move that the Chairman report progress, and ask leave to sit again.

Mr. LAW hoped his hon. Friend would not take the sense of the House upon that question, because, though it might be the furthest from his intention, it might seem to amount to a censure on the right hon. President of the Poor Law Commission, of whose labours the House had the highest appreciation. It was to be lamented that his right hon. Friend had not had notice of the question.

MR. W. MILES agreed entirely with what had been said by the hon. and learned Gentleman. It was not his intention to object to this vote, but he wished to get some information. As the right hon. Gentleman was not able to give it, but still said improvements were going on in the character of the schools, that to him (Mr. Miles) was perfectly satisfactory, and he could only say that the sum of 35,000*l.* to educate the 60,000 children who were in union workhouses could not be better spent.

MR. ALDERMAN COPELAND withdrew his Amendment.

Vote agreed to.

SUPPLY—MINT.

(11.) 35,000*l.* to defray the expenditure for the several branches of the Mint.

MR. THORNELY asked the Master of the Mint whether he had made arrangements for an increased issue of florins, and also whether it was intended to issue more of the small coin called threepenny pieces, a coin which he understood had been found to be exceedingly convenient?

MR. SHEIL replied, that with respect to the florin he had already upon a former occasion stated the reason why the issue of that coin was suspended. It was intended to issue the florin in another shape, with those additions which public opinion seemed to demand. With respect to the smaller coin to which the hon. Gentleman had alluded, in consequence of communications he had had from the hon. Gentleman, and also from the hon. Member for Westminster, he had given directions that a large quantity be coined.

MR. ALDERMAN COPELAND complained that magistrates had day by day persons brought before them for passing base coin, and they found that the Solicitor to the Mint alone was the arbitrator as to whether a prosecution should take place or not. Generally speaking it was not respectable tradesmen who were the sufferers, but the poor. Nine times out of ten the sellers of fruit in the streets of the metropolis were the sufferers by this base coin. Last week a case occurred before a Colleague of his, in which the Solicitor to the Mint refused, under any circumstances, to prosecute a party for passing base coin. In many cases where the Solicitor to the Mint had refused, the City had prosecuted, and to conviction. This was not a power which ought to be delegated to the Solicitor to the Mint. He hoped the right hon. Gentleman and the Attorney General would attend to this matter, for it was a growing evil. It was a painful thing for him to sit as a magistrate, and find a poor woman not alone deprived of her goods—only a pennyworth of apples, perhaps — but also of 2*s.* 5*d.* in money. Sometimes, finding the deception practised upon her, she took the law into her own hands, and maltreated the man so much that he was kept to his bed for two or three weeks.

MR. HUME wished to know when the changes recommended by the Mint Commission, now a twelvemonth ago, would take effect? The public expected some fruit to arise from that inquiry.

MR. SHEIL said, that in consequence of the report made by the Mint Commission, the Chancellor of the Exchequer and the Government had directed their attention to the subject; and the result was that a representation had been made to the moneyers and assayers, intimating that their relation to the Mint was to undergo a very speedy and considerable change. The Committee would not expect him to go into the details of the change, but no time would be lost in carrying it into effect.

MR. HUME asked if this change could be made without an Act of Parliament. If not, the sooner it was introduced the better.

MR. SHEIL said, the Government had decided on the nature of the changes, and one was that the body called the moneyers were to be deprived of what they called their privileges; and, therefore, whether the business was in future conducted by open contract or otherwise, there would be a great saving of the public expenditure.

MR. LAW said, the subject of the Mint prosecutions was well deserving the attention of the Government officers. The Mint stood in a different position, in some respects, from other bodies. If the magistrates recommended prosecutions, the officers of the Mint, on their own responsibility, either took that course or abstained from it. If they came into court without sufficient evidence, the court had no means of disallowing the expenses, as in ordinary cases; for as the costs of the prosecutions were defrayed by Government, the court had nothing to do with it. Thus, the Mint was in a position to refrain from prosecuting with impunity in cases where they ought to prosecute, and they might prosecute in cases where they ought not, and still be sure of their expenses.

The ATTORNEY GENERAL said, he believed it was the universal practice for no Mint prosecution for felony to be instituted without his sanction. All the cases were laid before him, the circumstances deposed to, together with the character and description of the witnesses by whom they were supported. And inasmuch as it was of the utmost importance, in cases of this kind, to carry public opinion with them, as well as to punish the offenders, all the circumstances underwent a very careful consideration.

Mr. LAW said, his observations did not apply to the prosecutions for felony; in none of the cases under the superintendence of the hon. and learned Gentleman had there been anything approaching to irregularity. He spoke of the ordinary cases of misdemeanour, uttering counterfeit coins—though the same offence became felony on its second commission. He had had upwards of twenty years' experience of these cases—he had been one of the counsel to the Mint some years ago, and though these cases had been better conducted of late years, he must say he had seen a great deal which he did not like. He spoke of the discretion which was ordinarily reposed, not in the Solicitor to the Mint, but in a person who was no solicitor at all, or even his clerk, the third party being the person who usually exercised this discretion.

Mr. SHEIL said, the course which was pursued in all prosecutions was this: The evidence was laid before the Solicitor to the Mint. He roughly investigated that evidence, and he then appeared before the board to obtain their sanction to the prosecutions. No criminal was ever brought to trial without the sanction of the board. It would be found, upon inquiry, that there was hardly any instance—he believed not one—of a prosecution having failed. A change had been recently effected, by which the Solicitor to the Mint had been got rid of, and the whole of the business transferred to the Solicitor to the Treasury, whose salary was 800*l.* a year. The business referred to was now confided to Mr. Powell, a gentleman of great experience, in whom the Government had the fullest confidence. The Commissioners had recommended a great change in these prosecutions—amongst other things, that the first offence of uttering should be dealt with summarily.

Mr. LAW said, that unless the practice had been totally altered within the last few years, many of the prosecutions had failed.

Mr. SHEIL said, that unless he was very much mistaken indeed, there had been no instance of failure.

Mr. Alderman SIDNEY said, the complaint was, not that there were too many, but too few prosecutions. In the papers that morning a case had appeared of a notorious smasher being placed before the magistrates on Saturday; and immediately on his being arraigned at the bar, it was intimated by the clerk of the Solicitor to the Mint that no prosecution would take place. The magistrates had, however, determined to hear the case, and had found sufficient evidence on which to commit him for trial. This was no uncommon occurrence in the city of London. At several recent sessions, when the Mint refused to prosecute, the magistrate committed the prisoners, who had afterwards received sentence of transportation. The complaint was that the Government should by their officers connive at these cases.

The ATTORNEY GENERAL said, that the Government did not connive at there being no prosecution. It had been the practice so long as he had been in office not to throw the weight of the Government prosecution into cases of a doubtful character; still, if the parties who had suffered, chose to prosecute, it was competent for them to do so. It was a mistake to suppose that the Government, or any other person, had withdrawn the witnesses in the case referred to by the last speaker. During the time he had been in office there had not been a single acquittal on a charge for felony; and he believed the case was the same with the misdemeanours. It was of the utmost importance for the public to know that the Government did not lightly undertake these prosecutions. Other people might do as they pleased; if a prosecutor thought he had a good case, there was nothing to prevent him bringing it before the court in the usual way.

Mr. Alderman COPELAND said, his complaint was not of the Attorney General, but of the Solicitor to the Mint exercising his own discretion whether to prosecute or not. These cases occurred to the extent of a thousand in a year.

Vote agreed to.

SUPPLY—PUBLIC RECORDS.

(12.) 12,678*l.* for expenses connected with the Record Office.

Mr. A. HOPE protested against the

vote, on the ground that their condition was not satisfactory. Some of them were kept in the Chapter House of Westminster, others in the Tower of London, others in the riding house at Carlton-ride, while the building erected for the purpose was wholly insufficient. There was a fire-proof chest in every parish church in England; but on the Carlton-ride a policeman was kept as the only preservative against fire. It was a disgrace to the country. He should not, however, divide the House on the subject.

The **CHANCELLOR OF THE EXCHEQUER** had stated, at an early period of the Session, that it was his intention to ask a vote to erect a building for keeping the records on the Crown estate. He trusted, therefore, that the House would agree to the vote then before it.

COLONEL SIBTHORP said, the records were at present in a worse state than they were forty years since. Many of these estimates consisted of "miscellaneous" and "contingencies," so that he was utterly at a loss to understand what such general terms meant.

Vote agreed to.

SUPPLY—INSPECTORS OF FACTORIES.

(13.) 10,994*l.* for the Inspectors of Factories.

MR. HUME objected to the vote, upon the ground that these inspectors unnecessarily interfered with the owners of factories.

MR. BRIGHT had a word to say with reference to these inspectors. He said it somehow happened that whenever a Home Secretary was appointed, a relative of his went down to inspect the factories of Lancashire. The inspectors were probably very respectable, but they knew little of factories, and though they might allow infringements of the law sometimes to go unpunished, yet, in other cases, their ignorance caused parties to be unnecessarily interfered with. He could furnish details of the blunders they had made, but he would forbear from troubling the Committee at that late hour. He thought men who understood their business should be appointed to the office, and that the relatives of Cabinet Ministers ought not to be selected.

SIR G. GREY said, that one vacancy had occurred since he had been Home Secretary, and that he had consolidated the offices rather than appoint a relative or any other person.

Vote agreed to, as were the following votes:

(14.) 1,610*l.* for the payment of certain Officers in Scotland.

(15.) 6,464*l.* for the expenses of the Household of the Lord Lieutenant in Ireland.

SUPPLY—CHIEF SECRETARY (IRELAND).

Motion made, and Question proposed—

> "That a sum, not exceeding 24,250*l.*, be granted to Her Majesty, to pay the Salaries and Expenses of the office of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and the Privy Council Office in Ireland, to the 31st day of March, 1851."

SIR W. JOLLIFFE objected to the amount charged in this vote for "contingencies." The charge under that head in the Chief Secretary's office alone was 2,701*l.*, and the total charge for contingencies in the vote was 3,321*l.*

SIR G. GREY said, the item of "contingencies" covered a variety of miscellaneous expenses which it was impossible to state in detail. In the charges for the offices of the several Secretaries of State, and every other public department, a similar item occurred. Among the expenses defrayed under this head were the salaries of extra clerks, the payment for occasional assistance in the offices, and other charges.

COLONEL SIBTHORP proposed that the salary of the Chief Secretary for Ireland should be reduced from 5,500*l.* to 5,000*l.*

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 23,750*l.*, be granted to Her Majesty, to pay the Salaries and Expenses of the Office of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and the Privy Council Office in Ireland, to the 31st day of March, 1851."

The House divided:—Ayes 41; Noes 156: Majority 115.

Vote agreed to, as was also Vote (17.) for 5,646*l.* for the expenses of the department of Paymaster of Civil Services in Ireland.

House resumed. Committee to sit again on Friday.

The House adjourned at a quarter after One o'clock.

* * *

HOUSE OF LORDS,

Tuesday, May 28, 1850.

MINUTES.] PUBLIC BILLS.—1ª Chancery Court of Appeal.
2ª Fees (Court of Common Pleas).
Reported.—The Trustees Act, 1850.

AUSTRALIAN COLONIES GOVERNMENT BILL.

EARL GREY proposed to take the second reading of the Australian Colonies Government Bill for Thursday next.

Lord MONTEAGLE, having urged the propriety of postponing to a more distant day the Australian Colonies Bill, asked his noble Friend whether any other papers than those already on the table, which were necessary to the explanation of the principle of that measure, had been recently received by the Government? He knew that two or three packets had recently arrived from Australia in this country; and, if any important papers had been received by them, it would be advantageous to their Lordships to have those papers for consideration, before they came to a decision on so grave and critical a constitutional question.

Earl GREY observed that, with regard to the postponement of the Australian Bill, he was anxious to meet the wishes of the House; but he was anxious to remind the House that they were now arriving at that period of the Session when there was always a great pressure of business in the House of Lords. If they deferred this Bill now, they would have shortly from the other House a large number of Bills, which it would be impossible for them to discuss hereafter fully and fairly. Though the notice for Thursday was but a short notice, yet the Bill had been for a long time before Parliament. All the most important papers relating to it had been laid on the table at the end of last Session. The Bill had been long and deliberately discussed in the House of Commons, and had been in the hands of their Lordships before the Whitsuntide recess. Noble Lords had thus had ample opportunity for preparing themselves for the discussion; and, unless it should be a serious inconvenience to his noble Friend to take the second reading on Thursday next, he should be most unwilling to postpone it to a more distant period. He was not aware that any new papers had arrived, save one, which would be laid on the table immediately.

Lord MONTEAGLE would add another motive for the postponement of the second reading. It was true that the Bill had been for some time before their Lordships, but no notice for the second reading had been given before that evening. There were other parties besides the Government interested in the constitution to be given to the colonies. Some of them had recently arrived in this country, and were anxious to bring their views on the subject under the consideration of Parliament, either by petition or by some other mode, before the Bill was read a second time. Now, if notice had been given of the second reading a week ago, no allegation of surprise could be made; but, under the circumstances which he had just stated, the second reading of the Bill on Thursday would operate very injuriously against those who intended to petition against it.

Lord BEAUMONT saw no validity in the plea which the noble Baron had urged for postponement, and hoped that his noble Friend (Earl Grey) would not comply with the noble Baron's request.

Lord STANLEY observed, that though there were some portions of the Bill to which he entertained great objection, he had no intention of opposing its second reading. He did not know whether his noble Friend (Lord Monteagle) intended to oppose the principle of the Bill on its second reading, but he imagined that he did not. He admitted that their Lordships were, to a certain extent, taken by surprise in consequence of the indisposition of his noble Friend the President of the Council, which had induced the noble Secretary of the Colonies to fix the second reading of this Bill for Thursday; but he thought that that stage of the Bill ought not to be deferred for any length of time. Would his noble Friend opposite see any difficulty in taking Friday instead of Thursday for the second reading of the Bill?

Lord MONTEAGLE remarked, that as far as he was personally concerned, he should raise no objection to the second reading on Friday; but the parties who would be taken by surprise—and he gladly admitted that his noble Friend (Earl Grey) had no intention of taking any party by surprise—were those who had recently arrived from the colonies, and who would be precluded from presenting their petition. If he had an opportunity of presenting their petition before the second reading, he should be satisfied. He had no intention to divide against the principle of the Bill any more than his noble Friend (Lord Stanley).

Earl GREY thought that the House ought not to be asked to postpone the second reading of this Bill merely because certain parties wished to petition against it. He saw no difficulty in naming Friday for the second reading instead of Thursday. His only reason for fixing Thursday originally instead of Friday was, that there were two Bills standing for discussion on Friday, namely, the Sunday Trading Bill and the Distress for Rent (Ireland) Bill, but neither of those Bills would, in his opinion, occupy much time.

After a few words from Lord EDDISBURY,

Subject dropped.

FEES (COURT OF COMMON PLEAS) BILL.

LORD BEAUMONT moved the Second Reading of this Bill, which affects two officers of the Court of Common Pleas—the senior master of that court as Registrar of Judgments, and the officer appointed for registering the acknowledgments of married women under the Act for the Abolition of Fines and Recoveries. The Bill would give a proper remuneration to those officers for the fees which they now received, and the surplus of those fees would be paid into the Treasury. It would also give compensation to the officers for any loss which they might sustain.

LORD REDESDALE entertained considerable objections to the Bill, which was at present in a crude state, and suggested the propriety of postponing the second reading, to afford an opportunity for considering its provisions.

After a few observations from Lord MONTEAGLE, who also entertained considerable objections to the Bill,

LORD LANGDALE expressed himself in favour of the abolition of all fees in courts of justice. Justice ought to be administered without any expense to the suitors; and all persons engaged in its administration ought to be paid by salaries, and not by fees. This Bill left the fees as they now were, and made no mention of any salaries.

LORD STANLEY thought that such Bills as the present ought to be introduced under the responsibility of Government. Individual Members ought not to be allowed to introduce Bills regulating offices, some on one principle, and another on another.

EARL GREY understood that this Bill originated with a Committee of the other House, appointed to examine into the whole question of fees and salaries. The chairman of that Committee had introduced the Bill, and after its introduction it had been supported by the Solicitor General as a desirable measure.

Bill read 2^a, and committed to a Committee of the whole House on Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 28, 1850.

ECCLESIASTICAL COMMISSION.

SIR B. HALL wished to ask the right hon. Home Secretary a question in reference to the ecclesiastical courts, and the returns which were ordered by the House a month ago. He was informed that a young lady of interesting appearance and prepossessing manners, had the honour of holding the office of registrar of one of the ecclesiastical courts in this country. He did not wish to impugn the morality of the dignitary who appointed that young lady; indeed, she had held the office ever since she was five years of age; but having heard that very few, if any, of the returns so ordered had been sent in, he begged to inquire whether it was likely that the returns would soon be ready to be laid on the table, in order that it might be seen whether there were any more female officials in the ecclesiastical courts?

SIR G. GREY had had no notice with regard to this statement, and was totally uninformed with respect to it. The hon. Member wished to know whether there were "any more female officials" in these courts; he (Sir G. Grey) was not aware that there was one. As to the returns, he would repeat what he had stated on the previous night, that the collection of the particulars required from the several dioceses must take time; he was not aware whether any of the returns had come in, but would inquire.

ADJOURNMENT OVER THE DERBY DAY.

MAJOR BERESFORD said, that he believed there could be no opposition to the Motion of which he had given notice, as there was not a single Order of the Day or a single Motion set down for Wednesday. Whether that was owing to the desire of hon. Members to enjoy the pleasure and recreation of the day, or from a prophetic fear that a House would not be made, he could not say, but this much was certain that, there being no business set down in the paper, they might fairly ask for a holiday. It would also be the 29th day of May, which was usually considered a holiday. So that upon every view of the matter he could see no reason for objection to the Motion. A right hon. Gentleman, who had been so constantly and indefatigably attentive to his duties as the Speaker, ought surely to be made certain that there would be no sitting upon the Wednesday. He had certainly well deserved a holiday from the House. For the last three years it had been regularly voted, and although upon those occasions the adjournment had been moved by more influential Members than he (Major Beresford) was, yet he trusted he would not be considered presumptuous in taking upon himself to move that the House at its rising should adjourn to Thursday.

Mr. W. S. CRAWFORD said, that he had always opposed the Motion. He did not think it creditable to the House to suspend public business for the purpose of attending a race upon the Derby day. He had, he was sorry to say, upon other occasions very inefficiently opposed the Motion. Upon the present, there being no business set down for Wednesday, he would not divide the House against it. But he wished to enter his protest against it. He believed the reason why no orders had been set down for the Derby day was, that it was considered a hopeless case to attempt to oppose the Motion.

Mr. HUME felt himself in the same situation as his hon. Friend. He had always opposed the Motion, and had always been in a minority. But as there was nothing on the paper for Wednesday he would have no objection to take a holiday himself.

Mr. SLANEY hoped his hon. Friend would always find himself in a minority upon similar occasions.

Motion agreed to.

THE LORD CHANCELLOR.

Mr. W. PATTEN rose to ask a question respecting the salary of the Lord Chancellor, of which he had given notice. It appeared by the public prints that it was likely there would be a vacancy in the office of Lord Chancellor, and he had been directed, therefore, by the Committee on Salaries, to ask whether Government intended, in filling up the vacancy, to render the appointment subject to any decision which they might make on the recommendation of the Committee when their report should be before the House? It had been thought possible, in considering the subject of the office and the nature of its duties, that it might come into discussion whether it might not be advisable to recommend a separation of the judicial and political offices of the Lord Chancellor; and he wished also to ask whether, in filling up the vacancy, a stipulation would be made that the person appointed was to take it subject to any decision respecting salary which the House might adopt on the recommendation of the Committee on Salaries?

Mr. BOUVERIE: I beg, Sir, also to ask, in case of the vacancy of the Great Seal, whether there will be a distinct understanding with regard to the officers (whose appointments are in the gift of the Keeper of the Great Seal, and whose fees and emoluments were reported upon by the Committee upon Fees in Courts of Law and Equity last year) that their appointments will be made on the express condition that the tenure and existence of their offices, as well as their fees and emoluments, shall be subject to the review and determination of Parliament?

Lord J. RUSSELL: Sir, in answer to the question put to me by the hon. Gentlemen, I have to state, with very great regret, that the Lord Chancellor has found the state of his health to be such that it will not be possible for him to continue the performance of those duties which he has discharged with such credit to himself and advantage to the country. I have to state, therefore, that as soon as the Lord Chancellor shall have given his judgment on various cases which have been under his consideration, he will feel himself called upon to resign the Great Seal. I have further to state, that in filling up the office, I shall have it understood that any person taking the Great Seal shall have to take it subject to any regulation which Parliament may adopt on the report of the Committee. With respect to the fees of any officer appointed by the Lord Chancellor, which should become vacant when the Lord Chancellor resigns the Great Seal, persons shall be appointed with fees and salaries subject to the determination of Parliament. With regard to the further question the hon. Member has asked, as to the separation of the judicial and political functions of the Lord Chancellor, I can only say it is a subject which has engaged the attention of Her Majesty's Government. It is, however, a question of very considerable difficulty. I have no doubt, myself, that the object is one very desirable to attain, and I trust we may be able to propose a measure to Parliament on the subject. But, considering the nature of the office—considering how closely connected it has been with the political history of this country—how much it has been connected with our political administration, and with the performance of the highest functions in the State, it is a subject on which I should be loth to propose any measure without very serious consideration.

Mr. HUME asked if the retiring pension of 5,000*l.* a year was to be considered also subject to revision?

Lord J. RUSSELL: I think that any person accepting the Great Seal must take it subject to the decision of Parliament with respect to the amount of the pension. At the same time, without saying that 5,000*l.* a year is the exact pension to be continued, I must certainly say that I shall think it my duty to resist a reduction of the pension to such an amount as would prevent persons of the highest legal talent in the country from accepting the office of Lord Chancellor.

Subject dropped.

THE NEW HOUSE OF COMMONS.

Sir G. GREY said, that as a wish had been expressed on the part of many hon. Members to make a trial of the New House of Parliament, and as he learnt that the weather was now favourable for such trial, he proposed that the House should hold a morning sitting in the new chamber on Thursday. He did not propose that their sitting should be prolonged, and therefore proposed to take the Elections (Ireland) Bill, which he thought would probably take only a short time. He proposed that the House should reassemble in their present chamber at Five o'clock on the same day.

EMIGRATION OF ORPHAN CHILDREN.

Mr. W. MILES presented a petition from the board of guardians of the union of Berwick-upon-Tweed, praying the House to adopt some measure to promote the emigration of young females to the colonies. He believed that the comfort, and in some cases the subsistence, of the poorer classes depended upon the speedy settlement of the question whether or no emigration was to depend solely upon the fund derived from the sale of Crown lands in Australia, or whether the Government would come forward and support the fund by an annual grant, and thus benefit the colony and confer a great advantage on the mother country, where, on account of the competition, both foreign and domestic, a large portion of the population are sinking to a famine level. He could never contemplate our possessions in America, Australia, and New Zealand, so fertile a soil, and so congenial to the residence of Europeans, without feeling thankful to the Great Disposer of events for having given those possessions to a country so circumscribed as England. The object of colonisation ought to be to encourage a proper class of emigrants, and to take care to afford them a ready supply of labour. The emigrants comprise a considerable number of small farmers and capitalists, who with their wives have been accustomed to have their menial occupations performed by domestic servants, and who before leaving this country generally take the precaution to insure proper attendance by paying for the passage of those persons from whom they expect to derive the benefit of servitude on their arrival in the colony; but it frequently happened that in the course of a few months they were deprived of the services on which they had relied. He wished to confine his statements and arguments to the wants and requirements of New South Wales, and, therefore, would not travel over bygone reports, but would call the attention of the House to official documents recently issued to show the want of female domestics in that part of the world. In a paper, delivered in February, entitled "Emigration to the Australian Colonies," he found a return from the 63 magisterial divisions of Sydney, and from the six magisterial divisions of Port Phillip, stating the want of labourers and domestic servants. In 33 out of the 63 districts, the want of female domestic servants was very great. He would not trouble the House by referring to the returns at any length, but would merely give a few extracts:—

> "Carcoar.—Domestic servants, particularly female servants, are in request; they are not to be had at any wages. Liverpool.—Female house-servants are in great demand; they are not procurable in the district. Campbeltown.—Farm and domestic servants, male and female, are in urgent demand. Broulee.—Female servants-of-all-work are in request. Queenbeyan.—Domestic servants of all descriptions are much required in this district. Tumut.—The operations of the settlers are completely paralysed for want of labour; children from 8 years of age to 16 are engaged at wages from 12*l.* to 20*l.* per annum. Housemaids and nursemaids are much wanted. Newcastle.—Female farm and domestic servants are in great demand."

He thought he had said enough to show the difficulties under which the colonists laboured in procuring female servants, and would now turn his attention to the question—is England in a position to furnish those female servants under a guarantee that the colonists shall for some time be secure of their services? He conceived England to be in a position to find for those colonies an abundant supply of servants of both sexes quite sufficient for all their wants, with afterwards an abundant yearly supply, and nothing, so far as he knew, stood in the way of accomplishing that object, except the advance made to New South Wales of 300,000*l*. Soon after the information of the poor-law unions his attention was very much directed to one union, containing a population of 56,000 persons and three workhouses, in which were located the ablebodied, the aged, and the young; and on examining the pauper school, he was astonished at finding such a large number of children, many of whom were orphans and without protectors or friends. In consequence of the expense of maintaining three workhouses, the inmates were transferred to one large establishment, where the children, up to the age of 15, were kept apart from the elder paupers, not being allowed to enter the general ward. After that time they were occasionally employed in the women's ward; but he was sorry to say, from the description of persons with whom they then associated, they frequently became contaminated. At the age of 16 they were considered ablebodied, and could leave the house at any time, on giving 24 hours' notice; and he could mention numerous instances of the demoralisation and crime which resulted from these orphan girls being suddenly cast upon the world. It had been stated that a general disinclination existed in the colonies, particularly in Australia, to the reception of pauper labour; and in that respect he thought they were right, because so far as ablebodied men and women were concerned, they were neither efficient labourers nor servants; but with respect to children the case was far different, and he would endeavour to show the result of their industrial training, because on that training depended their usefulness to the colonists. Mr. Cooper, in a report made to the Emigration Commissioners, said that the children brought up in properly-managed workhouses are more intelligent, and equally as able to earn their livelihood by labour as when brought up by their parents; and he believed that under the existing circumstances of the colonies, they would prove more desirable emigrants than persons of the same age who have not had the advantages of the education given to children in the workhouses. Since the period at which that report was written, other evidence had been given confirmatory of what he had stated. He referred to the evidence of those gentlemen who had been sent out, he believed, by a Committee of the Privy Council, under the authority of the Poor Law Board, as commissioners, to determine as to the education of the schoolmasters, and as to the efficiency of the schools. When he stated the name of Mr. Tufnell as one of the five commissioners, he was sure the House would receive with deference any opinion he might have given. Mr. Tufnell stated—

"It is a frequent remark of visitors to workhouse schools that the girls present a very superior appearance to the boys; while the former are healthy-looking and well-grown, the latter are comparatively stunted in growth, less healthy in look, and altogether of an inferior physical development. I was long puzzled to account for this difference, as the treatment of both is very similar; but I am now persuaded that it is owing to the want of appropriate industrial work for the boys. In general there is no difficulty in finding abundant suitable employment for the girls; and though a considerable part of it, such as sewing, is sedentary, the female constitution seems to suffer far less from confinement than the other sex, and in washing, scouring, bedmaking, &c., there is always much of that sort of work most conducive to health."

Mr. Brown stated—

"The girls usually sew and knit, frequently do house-work, and more rarely bake, wash, and cut out linen."

Mr. Bowyer stated—

"The industrial training of the girls is better provided for, as the making and mending of the clothing and linen of the house afford them a constant and appropriate occupation. They are always employed for two hours of the afternoon in knitting and sewing, and become in some places accomplished needlewomen. They always make their own beds, sweep and wash their own floors, and generally also those of a great part of the workhouse. They help to serve the dinner for the house, and the elder girls assist in the kitchen and wait upon the master and matron, preparatory to being placed in service. In some of the larger and best-regulated workhouses they even possess a separate laundry."

Mr. Ruddock gave similar evidence. Having shown that the industrial and moral training of the workhouse girls was well looked to up to a certain period of life, he should now call the attention of the House to the return moved for in 1848 by the late lamented President of the Poor Law Board. Though that return was not so complete as one that had been since made, it was sufficiently full to enable them to make a subdivision of the workhouse girls into three classes—those under three years of age—those between three and seven—and those between seven and sixteen. It was impossible, however, for the public to understand from this subdivision the number of girls who quitted the workhouse to compete with other children for labour. Last autumn he had issued circulars in the county which he represented, to the different union workhouses for information on this point, and he had ascertained that in twelve workhouses the number of boys and girls capable of entering service was no less than 273. He had likewise inquired of the different boards of guardians whether they would contribute not only to the outfit of the children, and to send them to the port of embarkation, but also to the expenses of the voyage. The answers which he had received from the twelve unions were decidedly in the affirmative, and to the effect that the guardians would consent to do so if the Government came forward with some assistance. They had also assured him, from the knowledge they possessed of the different parishes, that they would have no difficulty in carrying on emigration on such terms. Early in the Session of 1849, he had an interview with the Under Secretary of the Colonies and the President of the Poor Law Board on the subject, and he believed that both of those hon. Members concurred in much of what he had stated, and objected only on the question of expense. In that Session the hon. Member for Dover had moved for a return similar to that moved for by the late President of the Poor Law Board. He wished to direct the attention of the House to that return, to show the number of workhouse children capable of service. According to that return the number of children in the workhouses each year was 56,323. Of these the number of boys capable of entering service was 4,579; of girls, 3,694—total, 8,273. The number of male orphans capable of service was 1,578; female, 1,171—total, 2,749: about one-third of the children capable of entering service. He thought there were other classes of children who might be benefited by emigrating, and they were—children of widows who were not in the workhouse; children of widows who were in the workhouse; children of widowers who were not in the workhouse; children of widowers who were in the workhouse. These, he thought, with consent of their parents, might emigrate with advantage. It was his intention last Session to have called attention to this subject, but he did not regret the delay that had occurred, as the returns since made showed the interest taken by Earl Grey on this subject. Indeed it was a subject which had been taken up by the Government, and was more a question of theirs than of his. In his despatch of the 26th June, 1848, to Sir C. Fitzroy, Earl Grey expressed his concurrence in the report of the Commissioners, and directed him to take measures to give effect to their recommendations with regard to workhouse children, and for placing them in a respectable position in the colony. In one of their letters the Commissioners of Colonial Emigration gave it as their opinion that the emigration of these children was for the interest of the colony, and of the greatest benefit to the girls, but that they were unwilling to undertake it on a large scale until sufficient preparation was made in the colony for their proper employment and distribution. The Emigration Committee, having been requested to report as to the prospect of placing these emigrants in eligible situations, stated in answer that female emigrants from the English workhouses would be acceptable to the colonists, and that in the Sydney districts suitable situations might be readily obtained for 800 of them. The hon. Member for North Northamptonshire proposed to include Ireland in the present Motion; but he ought to recollect that if he succeeded in extending the Motion to Irish workhouse orphans, a contribution of *5l.* per head would have to be made towards the expense of their passage. In answer to the request of Earl Grey, it was stated that two districts of the colony were willing to take 1,400 of these children as apprentices that very year. Having the concurrence of the legislature of Sydney, he should like to suggest whether it would not be better at once to commence a system, which, if carried out, would lead to a greater demand for boy as well as girl emigrants from the workhouses of this country. It would be of the greatest use to the colonists of New South Wales if they could obtain apprentices on whose services they could rely. The convict boys who had been sent to Western Australia, had, from their industrial training, been most useful to the colony. Two years ago the noble Lord the Member for Bath made a Motion for sending out a certain number of ragged school boys; but that emigration had not turned out so well as that to Western Australia, for the boys, released from restraint, conducted themselves ill in the colony. [Lord Ashley: No, no!] At all events they did not turn out so well in the colony as had been expected, and it was to be regretted that several of them, on their arrival there, sustained themselves by petty pilfering. He asked the House to go to the children of paupers, and relieve them in the manner which he had indicated; they should go to the children of paupers who were paupers from no inclination of their own, but from the force of circumstances. He should now notice the financial part of the question; and in the first place he wished to observe that nothing could be more evident than the economy of sending out those orphans at a comparatively trifling cost, rather than keeping them at home at a certain and weighty expenditure. In the early part of his observations he had mentioned the advance of 300,000*l.* to New South Wales; but that, he thought, ought not to form any real impediment to the plan which he proposed, for in the years 1848 and 1849 that colony had remitted to this country as much as 180,000*l.*, so that only 120,000*l.* remained due, and applications for payment on account of that sum of 300,000*l.* had always been met by remittances. The House would recollect he had already stated that he proposed that 5*l.* for each emigrant should be contributed by the parishes; and, in addition to that, he proposed that such further sum as might be required for the expenses of the voyage, should be defrayed out of the colonial fund—thus the parishes and the colonies contributing jointly to that which was for the benefit of both. The cost of the emigration of an adult would be about 12*l.* 10*s.*, and of children about half that price. The whole sum required from the colonies for carrying out his proposal would not exceed 7,000*l.* The generality of parishes would eagerly accept the offer if made by the Government; and he trusted that the House would urge the subject upon the attention of Her Majesty's Ministers. Such a plan as he had proposed would be the prelude to further emigration, and it would be a blessing not only to New South Wales, but to the other colonies of this great empire.

Motion made, and Question proposed—

"That it is expedient that the Government, with the consent and assistance of the Boards of Guardians throughout England and Wales, should take immediate steps to forward the emigration of orphan girls, inmates of the several workhouses, and capable of entering service, to Australia as apprentices."

MR. STAFFORD rose to move his Amendment—to substitute the words "United Kingdom" for the words "England and Wales" in the Motion. He did not propose the Amendment in any spirit of hostility to the Motion, but he thought that any aid granted for emigration ought to include Ireland as well as other parts of the united kingdom. There had never been such efforts made by any nation for the purpose of emigration as those which had been made of late years by the people of Ireland. In corroboration of this statement he might refer hon. Gentlemen to the tenth report of the Emigration Commissioners, which stated that the emigration of the last three years gave an annual average of 268,619 persons, being not very far short of the whole annual increase of the united kingdom. The emigration from Ireland, for the last three years, gave an average of 200,482 a year, which exceeded the increase of the population by 123,844 souls per annum. At this rate, therefore, the population of Ireland would be decreased in about eight years by emigration alone to the extent of 1,000,000 souls. He saw no reason why what was asked from the Government for England, should not be asked for Ireland also. Last Session the Poor Law Amendment Act was passed, which contained clauses referring to emigration; but experience had shown them to be inoperative. He had received a communication from the clerk of the poor-law union of Limerick, who stated that last winter the guardians had advertised for tenders for a loan of 6,000*l.*, for which they offered 6 per cent under the clauses of the Poor Law Amendment Act; but they only received a tender for 500*l.*, and with this sum they "emigrated" ninety-one persons at an average expense of 5*l.* 10*s.* per head, which left each person 15*s.* to receive upon landing. These persons had cost the guardians 14*l.* for their maintenance in the workhouse; and if they had "emigrated" them at first, they would have saved the difference between that sum and 5*l.* 10*s.*, the cost of their passage. It thus appeared that the security provided for emigration loans was not so satisfactory as to lead them to hope that the emigration clauses of the Bill of last Session could be carried into effect. The Irish Poor Law Commissioners reported that there was an increased disposition on the part of boards of guardians to avail themselves of the provisions of the law with regard to emigration, and they recommended the subject to the favourable consideration of the Lord Lieutenant. The number of girls recommended for emigration was 2,500, of whom 2,219 had gone, and large numbers still remained in the workhouses who were ready to follow. He was sorry it had been supposed by some that the conduct of these Irish orphan girls had not been so satisfactory as could be wished. In the defence, for such it was, which he was about to offer for these girls, he believed it would be found that they were not deserving of the censures which had been cast upon them. It appeared that the great majority of the female orphans from Ireland had behaved very well on board ship, and on their landing; that they had given entire satisfaction in every respect, with the exception that they were uninstructed as domestic servants. Now, he hoped it would in future be taken into consideration the importance of improving the system of instruction in the Irish workhouses, by teaching the female orphans the duties of domestic servants. There were societies in our colonies under the name of St. George, St. Patrick, and St. Andrew, for the protection of the interests of the respective inhabitants of the three kingdoms, and they had strongly recommended the encouragement of a sound system of emigration, as equally for the benefit of the mother country and the colonies themselves. He begged to refer to a case which had recently excited much attention, namely, the case of the fifty-three orphan girls from Belfast who had gone out in the *Earl Grey*, and who were said to be all prostitutes. This charge was exaggerated, and he considered it had been shown that there had been no want of care in the selection of these girls. All the orphan girls sent out in the *Earl Grey* were not included in the condemnation. With two-thirds of the number no dissatisfaction was felt; it was only the fifty-six women who obtained opprobrious distinctions from the other emigrants under the title of "the Belfast girls." These girls obtained a good character from the master of the workhouse and the board of guardians, and a great deal of the irregularity of their conduct was attributed to the ill behaviour of some of the officers of the vessel. Now, it was obviously impossible that any certificates of character could be depended upon, so that no irregularities should occur upon such a voyage; and before they condemned these Belfast girls, let them contrast their conduct with that of girls sent out from workhouses nearer home. The emigration authorities in New South Wales could not find words strong enough to give an idea of the trouble they had, and were likely still to have, with the women, or rather fiends in human shape, who went out in one vessel from the Marylebone workhouse. They were described as a nuisance to all on board, and as using the most disgraceful and disgusting language. It was stated that they could not be kept from the sailors, and that they almost excited the crew to mutiny. The Belfast girls were purity itself when compared with these Marylebone ladies. The Irish orphan girls who went out by the *Lady Kennaway* behaved well on the voyage, and had given very general satisfaction to their employers in the colony. The Irish orphan girls sent out by the *New Liverpool* were described as uneducated and never to have been in any service. A few Irish orphans were sent out in the *Inconstant*, with regard to whom the secretary to the Orphan Board in South Australia said—

> "They do not appear to be so suitable a selection as those by the *Roman Emperor*, 150 of whom had been accustomed to farm work, milking, and washing; whereas thirty-five only from the *Inconstant* could undertake such employments, and the remainder show no disposition to learn. Few of them know anything of washing, and this causes the colonists to be indifferent about hiring them, the Irish orphans being chiefly wanted for the country settlers."

If the guardians would educate these orphan girls in domestic duties, there would be no difficulty in finding situations and a welcome for them in the colonies. The question ought to be extended, so that its consideration should embrace the whole subject of emigration from the united empire. It had been said that the colonies were not satisfied with those who had been sent out from the ragged schools; but that was not sustained by the fact, and he knew his noble Friend the Member for Bath would be able to defend the character of those whose prospects he had been so active in forwarding. It was also a source of sincere congratulation to his noble Friend, and those who had co-operated with him in assisting the operatives who had been obliged to leave France at the time of the Revolution to emigrate, that the conduct of those persons had been highly satisfactory, and their presence of great value in the colonies to which they had been sent. It was the importance which attached to that subject which had led him to wish to extend the proposition beyond England, and to include the workhouses of Ireland also in its operation; and that the whole empire should be embraced in considering that great question of emigration. He was desirous, whether or not Government opposed or agreed either to his Amendment or the original Motion of his hon. Friend the Member for Somersetshire, that that House, which professed to be the exponent of the public opinion of this country, should express its sentiments, without reference to party discussion, on one of the most important social questions which occupied the public mind of this country. He deeply regretted that the better classes did not take a greater interest in the question of emigration than they did. It was true they were not wanting in their contribution of funds to encourage and promote the emigration of their poorer fellow-countrymen. But he trusted the time was coming when the better classes would commence a system of emigration among themselves. It did not seem to him impossible that some of our infant princes hereafter should go forth to found a distinct empire in a distant part of the world—an empire won, not by the sword, but the higher acts of peace and civilisation, and thus establish a more glorious dominion than ever the House of Hanover had lost. It was highly satisfactory to him to see that there were various societies planting the principles of Christianity and British institutions at the Antipodes, as he could observe by a reference to the report of the Society for the Propagation of the Gospel in Foreign Parts. [The hon. Member here referred to, and read extracts from, a correspondence which had taken place between some clergymen sent out by the society alluded to, and Earl Grey, relative to the want of spiritual as well as medical assistance which prevailed in a quarantine station on the coast of Canada, in consequence of the numbers of Irish emigrants arriving, and the prevalence of a severe epidemic.] He did not think the answer which the noble Earl at the head of the Colonial Office had given to the application made to him in consequence of the mortality caused by the epidemic amongst the missionaries, was such as became his position. All the ports of America had expressed their conviction that the Government should exercise some superintendence over the system of emigration. The right hon. Gentleman at the head of the Poor Law Department had acknowledged the difficulty of an amendment of the law of settlement—difficulties which were so great that he could not promise any proposition for regulating that law during the present Session: now, that being the case, was it not an additional inducement to that hon. and learned Gentleman to give the question of emigration fuller consideration? He was glad that that important question was now attracting the attention which it deserved. There was hardly a paper which one could take up, that did not contain some proceedings of societies established for the protection and encouragement of emigrants. The hon. Member for South Wiltshire had met with deserved success in his emigration of the distressed needlewomen. The proposition for the Canterbury settlement had been very successful, and was deserving of every encouragement. In fact, it was attracting the attention of the better classes to a considerable extent. A meeting had been called at a few hours' notice, at Cambridge, a short time since, to explain the objects of that settlement, and the views of the society promoting it, which had been most numerously attended by a large body not only of the undergraduates of that university, but by its professors, and others, who were anxious to learn intelligence of an interesting colony, and what were the prospects which might await emigrants of a better order. He thought there was a tendency throughout the country amongst the better classes to emigrate, and if it were carried into effect, no doubt it would be a great blessing to their humbler fellow-countrymen who went out to the colonies. The old system in the management of our colonies had been that in developing their resources we should render them independent of the rest of the world; and it was wonderful how nearly this little island had succeeded in realising that idea. But in the year 1846 that idea had been abandoned, and we had adopted the principle of having recourse to the cheapest markets. He should not then discuss the merits of that principle; but he would remind those hon. Members who maintained it, that this country was not less bound at present than she had formerly been to promote to the utmost possible extent the interest both of the colonists and of the people of the mother country by a wise and enlarged system of emigration. Let those who advocated the new idea not shrink from dealing with the subject of emigration in connexion with the great change which they had been so anxious to introduce. Let not the hon. Baronet the Member for Southwark—he was sorry not to see him in his place—be silent now, or shrink from the discussion of this question in its bearings on the present state of the transition to which their colonial empire was subject. In his opinion, emigration ought to be treated altogether apart from the colonial question, because whatever system of colonial government might be adopted, it was manifestly for the advantage of the inhabitants of every portion of this great empire that its productive powers should be spread over the most profitable fields for their employment. He hoped Her Majesty's Government would show that they were not indifferent to the great, the paramount, and the pressing importance of that question. He believed that emigration was at present a fireside, a household, question in the united kingdom of Great Britain and Ireland, and he trusted that Her Majesty's Government would treat it in a manner befitting the rulers of a great and noble empire.

Amendment proposed, "To leave out the words 'England and Wales,' in order to insert the words 'the United Kingdom,'" instead thereof.

MR. HAWES regarded the question which had been brought under their notice by the hon. Member for East Somersetshire as one of very great interest, and he should be sorry to say one word that might appear to detract from its importance. Nothing could be of greater importance, to the Australian colonies especially, than maintaining towards them a careful regard for the proper distribution of the sexes; and he believed many social evils would have been avoided if years ago more attention had been paid to this subject. But he was bound to say, that in all these general views of benevolence there were some limits that could never be passed—limits that must especially be considered by the House of Commons, and which it would be his duty now to point out. He understood that the hon. Gentleman sought for no grant of public money, and he also understood him to state that the subject had attracted the attention of his noble Friend at the head of the Colonial Department. There was, therefore, very little difference between them; for the hon. Gentleman could not attach more importance to the subject than Her Majesty's Government did, and there was no indisposition on their part to give all the stimulus in their power to a wholesome system of emigration. But they must consider, first of all, the capability of a colony to receive any particular class of emigrants; they must also consider the interests and welfare of the colonists; and then there was the larger question affecting the interests of the country at large. Some years ago, it was a crying evil in New South Wales that the proportion which the one sex bore to the other led to dreadful social disorders. Of late years that subject had attracted much attention, and, at last, the restoration of the equality of the sexes in New South Wales had almost been completely effected. Since the beginning of 1847, 8,740 females had gone to Sydney, 7,000 to Port Phillip, and 7,700 to South Australia—making in all 23,440. The number of males sent was 20,550—thus showing that there was rather an excess of female over male emigration; and of the females he might state that 4,128 were Irish orphans. The hon. Gentleman opposite, the Member for North Northamptonshire, alluded to the emigration of Irish orphans under the management of the Land Emigration Commissioners, and he was happy to say that it had been, on the whole, a successful emigration; but at the same time he must call the attention of the House to the several colonies to which these females had been called, and he was afraid that in doing so he would have to ask the hon. Member not to urge this emigration too rapidly, lest he should actually defeat the object he had in view. The hon. Member for East Somersetshire had alluded to a despatch of Earl Grey addressed to the Governor of New South Wales, which had led to a large emigration of females, who were sent over with a special view to improve the social and domestic condition of the colonists; and he was ready to admit that great social good had been accomplished by sending that large number of females. He could assure his hon. Friend that there was but one wish and feeling pervading alike the Colonial Office and the Land Emigration Commissioners. Their only desire was, to supply the colonists with that kind of emigration which was most likely to be beneficial to them, and, at the same time, most advantageous to the emigrants themselves. The Commissioners had had their attention called to the large number of Irish orphans that were crowding the workhouses in Ireland, and the House, he doubted not, would agree with him that the Commissioners were right in devoting their funds to relieve that pressing necessity. Well, the large number of 4,128 orphans had already been sent to the colonies; and from the accounts received, it was quite clear that the supply of that species of female emigrants, whether to Sydney, to Adelaide, or to Melbourne, had been equal to the requirements of those colonies. The hon. Member for North Northamptonshire had alluded to the 219 female emigrants sent out in the ship *Roman Emperor*. The Committee appointed to watch over their interests was constituted an official board. That board received them on their arrival in the colony, and procured situations for nearly all of them. The second ship was the *Inconstant*, by which 195 female emigrants were sent out, 150 only of whom were hired while on board. On the 21st of October, 26 of those orphan girls were unengaged, the reason probably being that the number that had arrived in the colonies had already exceeded the demand. In a letter addressed by the Chairman of the Orphan Immigration Committee to the Colonial Secretary at Sydney, dated Melbourne, October 26, 1849, and which was signed by the Bishop of Melbourne, as President, the following passage occurred:—

> "The board beg now to state to your Honour the following facts, as bearing upon the subject of orphan immigration, both from England and Ireland — 1. That the demand for the orphans has sensibly diminished. 2. That the orphans by each succeeding ship have been disposed of to parties of a lower rank, and less desirable class than those preceding. 3. That there is shown by the public a decided preference for other bounty immigrants, on account of the inexperience and incapacity for household work of the orphan girls. 4. That the cost of these latter to the colony is even greater, by the recent regulations of the Commissioners, than that of the former. Under these circumstances, the board cannot but look forward with some degree of anxiety to the responsibility of disposing of those orphan girls who may be at present on their passage, and of those who will have been embarked before any communication can be made to the Government at home, and they would venture to suggest that it would be expedient to suspend this branch of emigration to the Port Phillip district until the board may feel themselves justified by further experience in recommending its removal."

That was from Port Phillip. Similar recommendations had been given by the orphan boards in South Australia and Sydney. The whole number of orphan emigrants sent out in the course of the year was 1,600, and the authorities had urged the Emigration Commissioners to reduce that number to one-half. He did not mention this for the purpose of discouraging female emigration, but he did wish to impress it upon the House that they were dealing with a species of emigration that required great care and consideration. If they were to bring a large number of decent and respectable persons upon the shores of the colonies without being able to procure them situations or give them employment, the probability would be that they would add to, rather than diminish, that social evil which it was their object to remove. He would call the attention of the House to the amount of the funds in the hands of the Emigration Commissioners. He could assure his hon. Friend that on the part of the Colonial Office there was every desire to promote the object in which his hon. Friend took so deep an interest. Indeed, he was happy to say, that in regard to the object, if it were practicable to attain it, there was no difference of opinion; but it must be remembered that the funds which were placed in the hands of the Secretary of State were held by him only as a trustee. It was his duty to administer them first under the provisions of an Act of Parliament, and next under the general regulations laid down by the colonial authorities, who could best judge of the means of employment, and of the number of emigrants they could profitably receive. There were limitations upon the power of the Colonial Secretary as to the persons to be selected for emigration. He could not take persons from any particular part of the country, or from any particular class. In his desire to relieve Ireland, he had departed from the general rule, which was, that the funds placed in his hands, derived from colonial sources, should be applied in a manner that should be beneficial to the whole community and to all classes. If, indeed, the funds were unlimited, probably the noble Lord at the head of the Colonial Department might do well, in further promoting female emigration, always to keep one consideration in mind, namely, the power of the colonists themselves to absorb that particular class of emigrants; for nothing could be more prejudicial to the general cause of emigration, and nothing more injurious to the colonies, than the sending out of a larger number of female emigrants than could be absorbed by the colonies. He could not hold out quite so promising a prospect of the funds for promoting emigration generally, as might be inferred from the statement of the hon. Gentleman the Member for West Somersetshire. At this moment there was a very trifling available balance in the hands of the commissioners for the ensuing year. Whatever funds were to be received on account of emigration were to be derived from the colonies, to which, of course, would be added any vote that the House of Commons might determine to grant. For emigration to New South Wales, the commissioners, after the resumption of emigration in the end of 1847, expended, up to the latter part of 1848, one sum of 100,000*l.* which had long since been paid by the colony. By the middle of 1849 they expended a second sum of 100,000*l.* provided for by advances from the Treasury; and they had since expended a third amount of 100,000*l.*, for which the claims only fell due as news was received of the ships' arrivals. This made 300,000*l.* in all, either paid or to be paid by the colony. The commissioners had also expended for New South Wales about 43,700*l.*, received from private contributions, and also the colony's share of the convict emigration grant, which amounted to upwards of 23,000*l.* Thus, in two years and a half, the commissioners had expended about 370,000*l.*, or at the rate of 147,000*l.* per annum. The available funds up to the present date had all been employed. There would be the means, however, of continuing the emigration at a moderate rate. With regard to South Australia, the emigration to that colony in 1849 consisted of 5,175 persons. The amount of funds available for 1850, when last estimated, would scarcely admit of sending one ship in a month. Under these circumstances it would at this moment be undesirable to give any stimulus to further emigration. The Government could only act upon the best information they could obtain from the colonies. He had no wish to oppose the general object of the hon. Gentleman; he was desirous only of making a plain statement to guard the House against supposing that the Government could do more than they were really able to do. He could not avoid calling the attention of the House to the fact that the boards of guardians hitherto had not manifested any strong desire to contribute that 5*l.* a head which the hon. Gentleman proposed should be a part of the arrangement. Speaking as far as regarded Sydney, and he believed he might extend the remark to New South Wales, he could say that unless that contribution were made, the proposition of the hon. Gentleman would not be considered either advantageous or acceptable. As to the assistance which might be afforded by the Treasury in furtherance of this emigration plan, the House should bear in mind how prejudicial such advances were calculated to be, by drying up the sources of private contributions. The number of emigrants from Ireland to the United States and Canada in the ten years prior to 1847, was 740,000, and from 1847 to 1850, 730,000, making a total, in thirteen years, of 1,470,000. The number of emigrants from the united kingdom during the years 1847 to 1850, was 805,857, being an annual average of 268,619, approximating to the average annual increment of population. The funds expended to promote this emigration amounted in the whole to 1,743,500*l.*, of which sum 228,300*l.* were contributed by the colonies and the Government; and no less than 1,515,200*l.* were by private contributions. Taking the whole population of Australia and New Zealand from January 1, 1848, to be about 326,000, he found that the number of emigrants sent to those colonies from that period was 56,000, or 16 per cent upon the gross population. He did not, therefore, think it could be said that emigration had not been adequately promoted. His hon. Friend the Member for North Northamptonshire had asked what proportion Irish emigration bore to the population of Ireland, and what was the proportion of English emigration to the population of England—it being supposed that a larger proportionate number of English emigrants were sent out than Irish. He (Mr. Hawes) could satisfy the House that there had been no partiality shown in that respect. Taking the decimal proportions of the population of the three countries to be England, 59.6; Scotland, 9.8; and Ireland, 31.86, the actual number of emigrants sent out since the recommencement of emigration in October, 1847, was English, 25,392; Scotch, 4,343; Irish, 12,486. The decimal pooportion of that emigration would be, as compared with the population, English, 60.14; Scotch, 10.28; and Irish, 29.53; showing a difference of only 400 as against the proper number that ought to have been sent out from Ireland. He hoped the hon. Gentleman the Member for East Somersetshire would believe that the Emigration Commissioners were acting in concurrence with the views laid down by Earl Grey on this subject, and of which the hon. Gentleman had expressed his approbation. On the whole he (Mr. Hawes) considered the Motion of the hon. Gentleman as a friendly admonition to the Government; as an intimation that his eyes were upon them, and that the attention of the House would be kept alive with a view to stir up the Colonial Office to a right discharge of its duty. It would be with reluctance that he should move the previous question, and he hoped, after the statement he had made, the hon. Gentleman would withdraw his Motion. After the number of emigrants already sent out, and after the colonial statement of the difficulty of finding employment, he thought that if the Motion were to pass, it would excite expectations which could not be gratified; he should therefore move the previous question.

Mr. SPEAKER intimated to the hon. Gentleman that the previous question could not be then moved, as there was already before the House an Amendment to the original question.

Question, "That the words 'England and Wales' stand part of the Question," put, and negatived:—Words, "the United Kingdom," inserted.

Main Question, as amended, proposed.

Whereupon, Previous Question proposed, "That that Question be now put."

Mr. MONSELL said, he was happy to hear that the grievance of which he had had reason to complain two or three times during the last Session, had been redressed. It would, however, be a great advantage if Irish emigrants were allowed to start from the ports of their own country instead of being obliged to come to some English port. One of the difficulties would be got rid of if the hon. Member for East Somersetshire would amend his Motion by leaving out altogether the words "to Australia." He could not understand upon what principle the hon. Gentleman should wish to send the emigrants to whom his Motion referred, to Australia. He thought there was a colony that must occupy a considerable portion of public attention, the colony of Natal, on account of the events that were taking place there, and the necessity there would be, in consequence of the short cotton crop in America this year, of encouraging emigration to a colony which produced cotton; but his principal reason for rising was to call attention to the necessity of promoting the emigration of females from the Irish workhouses. In Cork union there were 563 males and 954 females between the ages of 15 and 40 who had been there more than one year; and every one who knew anything of Ireland knew that a person who was domiciled in a workhouse for one year was very likely to spend the rest of his days there. In Thurles union there were 247 males and 648 females between the ages of 15 and 40 who had been there more than one year. In Galway there were 530 males and 740 females between the same ages; and, in the whole of Ireland, there were 10,118 males and 18,429 females, between those ages, who had been in the workhouse more than one year.

Notice taken, that 40 Members were not present; House counted; and 40 Members not being present,

The House was adjourned at a quarter after Eight o'clock till Thursday.

HOUSE OF LORDS,

Thursday, May 30, 1850.

Minutes.] *Took the Oaths.*—The Lord Lismore.

BREACH OF PRIVILEGE.

Lord BROUGHAM believed that he might venture to assert that no one who had been so long as he had in Parliament had ever taken notice so seldom as he had of any libellous matter published, or of any Breach of Privilege committed against him. He might also add, that no person had ever been more the object of the most indiscriminate, and he might say the most absurd and the most unfounded abuse. Nevertheless, in all such cases he had adopted a neutral course, and had left the truth to come out in the natural lapse of events. There was, however, one species of Breach of Privilege which he had never been disposed to pass unnoticed. To be exposed to attacks was the fate of all public men, and no man ought to shrink from, or be too sensitive to, attacks; but, under pretence of stating what a noble Lord had said in Parliament, to put words into his mouth which he had never uttered, for the purpose—the express purpose—of calumniating him—words which the writer of the calumny must have well known that he had never uttered — of this he was fully convinced, as he had seen a true and harmless report previously circulated in the writer's own journal, who had afterwards found a calumnious report in another paper, which he reprinted—to put such words into his mouth for such a purpose, formed, he said, a case in which he thought that the party calumniated was bound to bring the individual so offending, under the notice of their Lordships' House. He had read with some astonishment, and also with some amusement, a most absurd tissue of mis-statements with regard to his conduct in a recent Divorce Bill. It had been said that he (Lord Brougham) made a point of attending upon all Divorce Bills, and upon nothing else. Now, the fact was, that a law Lord was bound to attend in all such cases; and in so attending he had done no more than his duty. It had also been said that no Divorce Bill could be obtained without his concurrence and assent. Why, it might as well have been said that no Bill whatever could pass without his concurrence and assent, seeing that he had a right to be present at all proceedings in their Lordships' House, and that he was generally punctual in his attendance. Then came a variety of total fictions and inventions, namely, that he had received persons in his house at Cannes whom he knew to be living in criminal connexion with each other, when, on the contrary, he disbelieved in the existence of any such connexion, and had written home five letters, some of them to noble Lords then in the House, stating that he had inquired into the truth of the report, and that he did not believe one word of it. The parties had never been under his roof for a single day since he had heard that a suit had been instituted in the ecclesiastical courts of this country. Another of the statements was, that in the sad affair of the late Queen's trial, he had been notorious for revelling with peculiar gusto in all the vile and abominable stories and evidence of the Italian witnesses. Why, he was on the other side—he was counsel, not for the prosecution, but for the defence; he had done all that he could to smother and rebut the evidence of the Italian witnesses, and, not having succeeded in that object, he had endeavoured, as was his bounden duty, to throw discredit on those witnesses by his cross-examination of them, and to put them, if he could, out of court. Then came this statement, that he (Lord Brougham) had announced his intention of obstructing the passage of the late Bill by browbeating the witnesses. Why, the late Bill was his own Bill. He had brought it in himself; he had asked their Lordships to suspend their standing orders for it; he had even given notice that he should himself move its second reading. And their Lordships would now see what a clever and pleasant construction this writer had put upon his acts and intentions. Other things were also said of him; but of this he (Lord Brougham) particularly complained. It was stated in the paper called the *Daily News* that he had said that if all the letters addressed to himself by married women were to be put in evidence, the consequence would be dreadful. Now, if all the letters addressed to him by married women were to be published at Charing-cross, no other result would follow but pity that he had received and been compelled to read so many letters. It might be said that he ought to call to their bar the editor of the paper which first printed this trash. On Monday last he had filed an affidavit averring that there was no foundation for these charges. He was proceeding to move upon that affidavit that a criminal information should be filed against the printer who originally published them, when with the greatest candour Mr. Wilson, the respectable proprietor of the *Globe* newspaper expressed his deep regret that that article had got into his paper without his knowledge, and at once, with the assent of the writer of the article, whom he did not know, but who was described to him as a man of great talent, but who could not be considered as a man of great prudence, gave up his name. The writer, a most respectable gentleman, a priest of another religion, not only gave up his own name, but also put into his (Lord Brougham's) hands, for his (the writer's) vindication, the letter on which he had proceeded to write the article in question, having given implicit credit, as he (Lord Brougham) admitted that he was bound to do, to a statement which came from a person of such high standing and respectability. It was the letter of a person who now resided in another country, who was labouring under great excitement from believing that a great injury was about to be done to him, and who had acted upon that belief under ignorance both of the law and of the facts. These two persons — he meant the proprietor and editor of the *Globe*—had gone wrong in the first instance, but had afterwards done what was right in the most fair and candid manner. On that account, he would not mention the name either of the writer of the letter, or of the writer of the article founded upon it. But then came the *Daily News*, which chose to go back from its own accurate report, and to insert in its columns this grossly inaccurate report, merely because it was likely to be offensive to him. He appealed to his noble and learned Friend on the opposite benches whether he had said anything about the letters of married women?

Lord LANGDALE: Certainly not.

Lord BROUGHAM: He had now stated his case against the *Daily News*. He thought that there was no excuse for its conduct. He would, however, take time to consider the course which he ought to pursue with regard to it, and if he felt at the next sitting of their Lordships as he did at that moment, he would certainly move that the printer be called to the bar.

Lord REDESDALE wished to take that opportunity of explaining what had been misrepresented elsewhere, with regard to what had fallen from him on this subject. He had made a few remarks when the Bill was before their Lordships' House; and, as they had been misrepresented in some quarters, he felt most anxious that what he really did say should be accurately known. What he had stated was this—not that he was opposed to the Bill, but that he did not consider sufficient evidence had been adduced to the House to sanction them in passing it. He was satisfied, in his own mind, that the noble Lord interested (Lord Lincoln) was entitled to the act of justice demanded for him; but he thought their Lordships were proceeding on knowledge similarly obtained, rather than on the legal evidence which they should require in such a case. What he had stated was, that he did not think it right, in the case of an individual connected with their Lordships, as was the case in this instance, and when all parties in the House were well acquainted with the facts, that they should proceed differently from another case in which a stranger came before them. With regard to the fact of adultery on the part of the wife, he had no doubt; but on other facts which it was necessary to have proved, he considered they had no evidence whatever. What he had stated was, that he thought, under those circumstances, they were proceeding rather too hastily, and not in that cautious manner by which the proceedings of that House ought to be guarded, so that no person should be able to say that there was any difference in the administration of justice to parties connected with their Lordships compared with strangers. But he added, that if their Lordships were satisfied that the evidence before them would sanction their going on, he had no objection to the Bill being proceeded with.

Lord BROUGHAM said, he could fully bear testimony to the perfect accuracy of the statement just made by his noble Friend.

Subject at an end.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 30, 1850.

Minutes.] Public Bills.—1° Oath of Abjuration (Jews); Compound Householders.
3° Elections (Ireland); Exchequer Bills (8,558,700*l.*).

[The House met at Twelve of the clock, in the New House of Commons.]

LOCAL ACTS.

Mr. W. PATTEN moved for a Select Committee to inquire into the working of the Act 9th and 10th Victoria, cap 106. It would be remembered that an Act was passed in 1846 with a view of enabling parties promoting private Bills to come before the House at less expense to themselves, and in a manner likely to be less inconvenient to Members, whose time it was supposed would be saved by local investigations being had. After some experience of the working of the Act, he was afraid no other conclusion could be come to but that the Act had entirely failed to effect its objects; but he was not asking the House to act upon his judgment, or upon the judgment of others whose advice would naturally be looked up to, but only to appoint a Committee to consider the subject. The opinion obtained for the House was always a one-sided opinion, and was often upset by the Committee, and the reports did not save the time of Members; a heavy expense was caused without any useful result. The part of the Act, however, which related to Admiralty inquiries in cases where harbours, tidal waters, or navigable rivers were interfered with, seemed very fit to be maintained.

Motion made—

"That a Select Committee be appointed 'to inquire into the working of the Act 9 & 10 Vic. c. 106, intituled, 'An Act for making preliminary inquiries in certain cases of application for Local Acts,' and the Act 11 & 12 Vic. c. 129, intituled, 'An Act for amending an Act passed in the ninth and tenth years of Her present Majesty, for making preliminary inquiries in certain cases of applications for Local Acts.'"

Mr. BERNAL would not oppose the Motion; but he hoped the hon. Member was not prepared to say that no preliminary inquiry should take place in the case of private Bills. He would ask how it was possible that Committees on unopposed Bills could come to a proper knowledge of the improvements necessary in a town or borough, without a preliminary inquiry. He agreed that there was at present much unnecessary expense, but he was sure there was an imperative necessity for ensuring a preliminary inquiry.

Mr. SLANEY considered that it was unnecessary that private Acts should be obtained whenever a town required to be improved or waterworks established, and such Acts should be done away with. At any rate why should not a single Act for all these purposes be passed at the end of every Session, on the principle of the Enclosure Acts ?

Mr. HEADLAM said, that his constituents had suffered much by this Act, which had been most prejudicial last Session to a Bill with respect to the conservancy of the Tyne. The preliminary inquiries were always unsatisfactory, and as regarded opposed Bills the Act was most unreasonable.

Mr. HUME could only attribute the opinion formed by the hon. Member to his ignorance of the Act. The opinion of persons best qualified to judge on the subject had been taken before two Committees. The preliminary inquiries were a great advantage to the progress of private business.

Sir G. GREY said, there could be no objection to the appointment of the Committee, and therefore perhaps it would be better to agree to the Motion, and reserve all statements until a future occasion.

Committee appointed.

THE UNIVERSITIES.

Mr. GLADSTONE said, that seeing the hon. Member for North Lancashire in his place, he begged to ask him what his intentions were with regard to the adjourned debate (upon the English and Irish Universities), which stood upon the Orders of the Day for that night, but which it was certain could not come on ?

Mr. HEYWOOD replied, that it was not his intention to press the continuance of the debate, as he was satisfied with the letters of the noble Lord at the head of the Government to the chancellors of the universities, which had been lately published. The noble Lord had stated in those letters the object of the Royal Commission to be, to inquire into the state of the revenues of the Universities of Oxford and Cambridge—into the provisions of the statutes by which their several colleges were governed—and to report their opinion whether any measures could be adopted by the Crown, or the Parliament, by which the interests of religion and sound learning might be promoted in the conduct of education in the universities. Those objects were perfectly satisfactory to him (Mr. Heywood). He should, therefore, not press his Motion for the adjourned debate, but should leave the House to deal with it as they might think proper.

Mr. GLADSTONE suggested that, in that case, the Order of the Day should be read at once, for the purpose of adjourning the debate until Monday next; and he would give notice that he would ask the noble Lord on Monday, whether it was his intention to appoint a day for the discussion of the subject, seeing that he had a notice on the Paper of his intention to move that the question be adjourned for three months.

Mr. SPEAKER said, that the right hon. Gentleman should put his question and give his notice at five o'clock. The Order of the Day could not be moved before that hour.

Subject dropped.

THE NEW HOUSE OF COMMONS.

Mr. B. OSBORNE begged to ask a question of the Chief Commissioner for the building of the New Houses of Parliament, that being the most fitting opportunity for putting it. It was, whether he would then state to the House what were the precise alterations suggested by the Commissioners with reference to taking down the strangers' gallery, and pulling down the wall behind the reporters' gallery ?

Mr. T. GREENE said, that at the present moment there were no suggestions made by the Commissioners, either to Mr. Barry or himself. They were anxious that hon. Members should try the House, and then make any suggestions which they might think proper. Now, that they had had the opportunity of trying it, they would be better able to form a judgment as to the accommodation which it afforded, and how they could make themselves heard in it, and they could now suggest such alterations or amendments as they might think it needed.

Mr. B. OSBORNE wished to know whether he was to understand that all hon. Members were invited to send in their suggestions to the Commissioners ?

Mr. T. GREENE said, that if hon. Members did so, the Commissioners would be very willing to attend to them.

Mr. MUNTZ wished to know, was the present trial to be the only one? Because, whilst every one was speaking to his neighbour as loud as he pleased, debating the novelty of their position, and hon. Members were moving about to all parts of the House, it would be quite impossible to judge whether it was easy or difficult to hear in it. He would beg to suggest that they should have a regular long debate in it upon some important subject before they came to any decision upon its merits, or offered any suggestions as to alterations.

Mr. T. GREENE said, that the Commissioners would take every opportunity possible of attending to any suggestions that might be made to them. But there was one observation of the hon. and gallant Member for Middlesex which he wished to set him right concerning. He (Mr. Greene) was not the Chief Commissioner; Sir John Burgoyne was the chairman of the Commission, and might therefore be styled the Chief Commissioner. He himself stood only third on the list.

Sir G. GREY said, that, by general consent, the House could meet again in the New House on any future day.

Mr. MOORE said, that it was impossible as yet to form a judgment as to the capacity of the building for transmitting sound. No doubt hon. Members scarcely heard a word of what was going forward; but it should be recollected that they had been doing only private business, which no one ever attended to in the old House except those who were immediately interested, and therefore they should not judge of the House nor condemn it too hastily.

Mr. SPEAKER said, that there was a public Bill specially set down for third reading at twelve o'clock that day. Hon. Members should therefore wait until five o'clock, and put their questions then.

Mr. ELLIOT—*from the gallery opposite the Speaker's chair*—Sir, we do not know here what is going forward.

Mr. FREWEN said, that the House had not formally declared, as yet, that at its rising it would adjourn to the old House. They ought to be informed whether they were to adjourn to meet in the old House at five o'clock, and whether they were then to be counted, as a mistake upon that head might cause no House to be made in the evening.

Mr. SPEAKER said, that, at its rising, the House would adjourn until five o'clock. At that hour it would assemble again in the old House, and be counted as usual.

Mr. ELLIOT: Sir, I don't know whether you can hear down there, but we certainly cannot hear at all up here.

Mr. HUME said, that there ought to be an examination at the bar of the House, in order to test the power of hearing in it thoroughly. And there was no person whom it would be more proper to examine than Mr. Barry himself; they would then have an opportunity of judging whether he could make himself heard.

Subject dropped.

ELECTIONS (IRELAND) BILL.

Bill read 3°.

The ATTORNEY GENERAL moved the insertion of a clause to the effect that power should be given to the Lord Lieutenant, or other chief governor or governors of Ireland, to appoint additional polling places in any county or riding on receiving a petition praying for such appointment from the justices of the peace assembled at quarter-sessions.

Clause brought up, and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

Mr. TORRENS M'CULLAGH hoped that the Government would consent to limit the discretion of the Executive to the addition of quarter-sessions towns. If some such rule were not adopted, a door would be opened for the worst species of favouritism in counties that might be contested. The rule which he suggested was an obvious and a fair one; and without some limitation he must vote against the clause.

Mr. FREWEN, having a notice on the Paper of a clause to effect the same object by means of a petition from the grand jury assembled at assizes, must oppose the hon. and learned Attorney General's clause. He said that the grand juries in Ireland performed the same fiscal business at assizes that the magistrates did at quarter-sessions in England; and as one object of the Bill was to assimilate the laws of the two countries as much as possible, his clause would create a power more analogous to that existing in England than the hon. and learned Attorney General's would. He contended that the Grand Jury Act worked well in Ireland.

Mr. C. ANSTEY begged to differ from the hon. Gentleman. He did not think that the grand-jury system worked well in Ireland. But he should oppose the hon. and learned Attorney General's clause, because he thought it would be very bad to trust to a petition from Irish justices. He thought that the object would be better attained by the clause about to be proposed by the hon. Member for Roscommon, which sought to give the power of petitioning for additional polling places to a number (not less than 300) of the qualified electors of the barony.

Sir G. GREY said, the clause had been drawn up in consequence of several recommendations received by Government, and only carried out a principle which had worked in England with perfect success. The additional polling places could not be established unless by an Order in Council, and an efficient check and control over the magistrates would be exercised by the Lord Lieutenant, or by the new Secretary, and by the Government. Besides, it was open to any hon. Member to state objections to any polling place, which the Government would take into consideration. The effect of this clause was to give the initiative to the justices; but the Privy Council had the control. It was intended to make the law the same as in England; and the alterations in the clause were only such as to suit the circumstances of Ireland.

Mr. E. B. ROCHE had the strongest possible objection to the principle of leaving such power in the hands of the magistracy. In political questions the magistrates did not possess the confidence of the majority of the people. It would not mend the evil to give a power of controling the magistrates to the Lord Lieutenant, or to the Irish Secretary, for they might all be partisans alike.

Lord NAAS denied the statement of the hon. Member that the Irish magistracy did not enjoy the confidence of the people; on the contrary, he had never heard one expression of dissatisfaction among the people with respect to any magisterial decision.

Mr. M. O'CONNELL could only say that the noble Lord was very happy in his experience. He had nothing to say against the magistrates, but he knew that almost all over the country they had not the confidence of the people. He was averse to giving the power proposed by the clause to the magistrates, and doubly so to giving it to the grand jury, who were the essence of the magistrates.

Sir W. SOMERVILLE said, that the Bill for appointing additional polling places in Ireland had been before the House for two years, and during all that time none of those direful dangers that were now apprehended from this clause had ever been thought of. Not a word of apprehension had been uttered during the progress of the present Bill to its second reading, nor until the House had gone into Committee upon it, when, upon a suggestion made by the hon. and gallant Member for Portarlington, that the English plan should be adopted as far as possible in Ireland, his right hon. Friend the Home Secretary conceded that it was reasonable and practicable. Not a word was then said against the plan; and his hon. and learned Friend the Attorney General accordingly prepared the clause under consideration, which he earnestly trusted the House would agree to.

Mr. SCULLY opposed the giving of the power into the hands of the magistrates, who were always found in opposition to the opinions of the people, especially in the south of Ireland. There was no occasion to thrust in the clause at present. Let them wait for a year or two, and see how the Act worked. It would then be time enough, and easy enough, to introduce such a clause, if necessary.

Mr. STAFFORD defended the clause, and thought that the justices of the peace in Ireland might be safely intrusted with the power of fixing the polling places upon petition to the Lord Lieutenant. He was surprised to find such an indisposition among hon. Gentlemen opposite to intrust powers such as these to Irish gentlemen. If a man embarked his fortune in the colonies, or if he bought an estate in Scotland, he might then be trusted; but let him approach the fatal shore of Ireland, and hon. Members opposite would intrust him with as little as possible of the influence which belonged to his station. The gentry of Ireland were anxious to do their duty, and to atone for the past. Let the House, therefore, treat them, as much as they could, as belonging to a common empire, as subjects of the same Sovereign, and admit them to equal powers, equal responsibilities, and an equal administration.

Mr. O'FLAHERTY considered the clause to be objectionable for many reasons. Political feelings were frequently strong among the magistracy of Ireland, and the clause might lead to the recommendation or otherwise of polling places for political purposes.

Mr. HUME said, the distance of the polling places might be so great as to hinder the exercise of the franchise, and he saw no danger in leaving it to the magistrates to recommend additional polling places where required. He did not see why a proposal to adopt the English practice should be opposed with regard to Ireland.

Mr. S. CRAWFORD would support the clause now brought forward by the Government as a great improvement upon the original clause.

The House divided:—Ayes 168; Noes 21: Majority 147.

Mr. TORRENS M'CULLAGH moved as a proviso that no towns should be appointed as additional polling places but those at which quarter-sessions were held. The limitation for which he contended was the principle on which this Bill had originally been framed. No town which was not of the class in question had been inserted in the schedule of the Bill as introduced two years ago, or as introduced this year. It was, in point of fact, only in accordance with a suggestion of Gentlemen opposite, who had opposed the Franchise Bill in every stage, that this new and objectionable alteration had been made. Well, then, as the Government had brought in this clause to please their opponents, he hoped they would consent to place some limitation upon it, to satisfy their friends. Those who sat on that side of the House had been no parties and would be no parties to the compact between the Secretary for Ireland and the hon. Member for North Northamptonshire. They felt that the clause as it now stood would go far to neutralise in many places the benefits which had been anticipated from the Franchise Bill. It would enable landlords to have polling districts so arranged that the tenants should vote under their own immediate eye. They had heard of the evils of estate rating, but this was a plan which would be made use of to secure estate voting. To talk of the analogy of the English Act, was really to trifle with the subject. Why affect identity of terms and phrases, when the substance of things was dissimilar?

Amendment proposed, in line 7 of the said clause, after the words "mentioned in the said petition," to insert the words "and being a town or towns where quarter-sessions are held."

Question put, "That those words be there inserted."

Sir W. SOMERVILLE said, the object had been to embody the English system in the Bill, as was stated in the former debate. He had uniformly insisted on the principle of having the polling places so regulated as might be most convenient to the great body of voters; and in so doing, preference should be given to the sessions towns.

Mr. C. ANSTEY said, their position was this—they had put in the scedule of the Bill such polling places as they thought from their present knowledge would be fit and proper for the purpose; but, lest hereafter what they had done should be found imperfect, it was proposed to place in other hands, namely, that of the magistrates, the power of continuing from time to time the work which Parliament had begun. His hon. and learned Friend the Member for Dundalk proposed that there should be a limitation in the powers given to the magistrates, and the limitation was that the additional polling places named should be quarter-sessions towns. This he considered a very obvious and just proposition, therefore he would give it his decided support.

Colonel DUNNE opposed the Amendment, which he deemed wholly unnecessary, and regretted that such proposals should be brought forward merely for the sake of a little mock popularity.

Mr. E. B. ROCHE would give his support to the proposition of his hon. and learned Friend the Member for Dundalk. It might be all very well for the hon. and gallant Member to defend the magistrates of Ireland; but all he could say was, that up to the present hour that body continued to act on all political questions in opposition to the feelings of the people of Ireland. He would mention, as one instance, that 800 magistrates had signed a memorial censuring the present Government, and censuring the Earl of Clarendon for the dismissal of Mr. Beers, who had sat as a judge on his own case. The right hon. Gentleman the Secretary for Ireland had said, "I will give you this clause, because it is in the English Reform Act." Now, there was no analogy in the case; but whenever anything could be found to act against Ireland, she was sure to have the benefit of it. If this close assimilation were to exist, why should not the right hon. Gentleman give Ireland a 40*s.* franchise—and why should not the county which he (Mr. Roche) had the honour to represent—the Yorkshire of Ireland—be divided as the Yorkshire of England was, so as to return an equivalent number of representatives? He well knew that no argument which he might use would have any effect on right hon. Gentlemen on the Treasury bench; for, unfortunately, he had been sitting on the wrong side of the

House. He, in accordance with the wishes of his constituency, supported the Government generally, and therefore his suggestions were deprived of that weight which they would possess if emanating from hon. Gentlemen on the other side of the House. He denied that there was any compact between the right hon. Gentleman the Secretary for Ireland and the Irish Members on that side of the House. He would support the Amendment.

SIR DE L. EVANS had heard no reason why the list of towns from which additional polling places should be selected should not be made out and added to the schedules of the Bill. The places at present appointed in the schedules were all quarter-sessions towns. Why then should not the future be limited to quarter-sessions towns also? There ought to be some limitation. It was absurd to say that the magistracy of Ireland possessed the political confidence of the public. If it were so, why were stipendiary magistrates appointed by Government in Ireland, and not in England? What reason could be assigned by the Government for it, but that the justices had not the confidence of the people.

MR. S. CRAWFORD would support the limitation. In the schedule of the Bill the polling places laid down were quarter-sessions towns; and he thought they should not give power to the magistrates to go beyond the principle of the Bill.

The House divided:—Ayes 52; Noes 118: Majority 66.

Clause read 3°, and added.

MR. F. FRENCH moved a clause to the effect that on petition from the inhabitants of any barony in which no polling place is situated, signed by not less than 300 electors, an additional polling place be appointed in the place mentioned in said petition. As the Bill professed to be one for the advantage and convenience of the electors, he thought it was but reasonable to concede to the requisition of 300 electors what was conceded to four or five magistrates.

Clause brought up, and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

SIR G. GREY could not but think that the apprehensions of those who were afraid of gross partiality on the part of the magistrates were unfounded. He did not think that any practical purpose would be effected by the proposition of the hon. Member for Roscommon. If his proposition were agreed to, there might be a petition from 300 electors praying for one place, and another petition signed by 300 other electors praying for another place.

The House divided:—Ayes 33; Noes 108: Majority 75.

Further proceeding after the other Orders of the Day.

Adjourned at twelve minutes after Three o'clock till Five o'clock.

The House met at Five o'clock in the Old House.

POST OFFICE.

LORD ASHLEY, after presenting a petition signed by 31,000 inhabitants of Manchester, praying for the total abolition of Sunday labour in the Post Office, said that if the question he had to submit to the House had no other claim to their consideration than the deep and extensive interest which had been manifested in it by the whole of their constituents in different parts of the kingdom, it would deserve their most respectful attention. No other object had ever excited a deeper attention, or had created a more intense sentiment in the public mind. This feeling had been evinced in public meetings, by memorials and deputations to the Government, and by petitions to Parliament. This feeling was not confined to any one class or profession, or to any one order or rank of society; it pervaded the very highest and the very lowest grades of the community; it was felt by labourers, artisans, tradesmen, merchants, bankers, capitalists, and persons of all descriptions. This feeling also, he was happy to say, was not confined to any one form of theological or political opinion. It prevailed with equal force in the smallest agricultural districts as well as in the largest manufacturing towns and cities. It was a question which might be argued upon a very much higher ground. It might be argued upon its religious character—upon the justice of the case to the parties concerned, and upon its deep importance to the whole community. He hoped its discussion would be conducted in a sober and friendly spirit, suited alike to the character of the assembly by whom the discussion was carried on, and the importance of the subject itself. For his part, he would studiously refrain from uttering anything which should in the least degree excite anger or provoke opposition. On the contrary, he must begin by expressing his thanks to Her Majesty's Government and to the Post Office authorities for what they had already done. They had conferred a great benefit on the parties interested, and no greater benefit had been conferred by them than the proof they had given that they could confer still more. All he hoped was, that the Government would now endeavour to accomplish their own good work, and perfectly establish their own reputation. He would now call the attention of the House more particularly to the deep feeling which had been declared by the public on this matter. The report of the petitions, up to the present day, was not completed; but the total number of petitions down to the 24th of May was 3,820, and that of signatures was 549,538. Many of these (from Scotland alone, 335) were signed by the chairman only; and there was a vast number of petitions yet to be reported. Several hundreds had not yet been presented. He had, therefore, a right to conclude that the signatures would actually amount to no less than 700,000. But, taking into account the number of persons who might be assumed to be represented by the signature of the chairman, he was warranted in estimating the number of petitioners in support of the Motion he was about to make at not less than 1,000,000. Look at the details. Take Liverpool. It had sent a petition signed by 14,000 persons in favour of the Motion. As soon as the subject was mooted in that town, 200 merchants and bankers formed themselves into a Committee to forward the object of the Motion which he now had to submit to the House. The petition from Manchester had 31,000 signatures appended to it, including a considerable number of rich and extensive firms. From Aberdeen a petition had come signed by 16,702 persons; from Paisley the signatures were 6,563; from Edinburgh they were 24,298, and from Glasgow 21,750. The Glasgow petition was worthy of attention. The town-council consisted of fifty members, forty-one of whom signed the petition; of the banks nine out of the eleven in that city attached their signatures to it; twenty-two surgeons and physicians signed it, sixty-eight procurators, brokers, &c.; and 500 merchants and manufacturers. In the year 1839 the subject of the penny post was brought before the House. The Government yielded upon that subject to a body of petitions representing only 266,511 persons, and in thus yielding they gave up a revenue to the amount of a million of money, which for a considerable time placed the Government in great financial difficulties. What was it that the petitioners in this case asked for? They sought nothing for themselves, but simply requested that a boon might be extended to a certain number of their fellow men. That was all. A memorial was presented to the First Lord of the Treasury, signed by about 5,000 merchants, bankers, &c., of the city of London. The testimony of the city of London on this subject was of great importance, as it was the city which all the other towns and cities in the kingdom wished to take as a model. If any evil could possibly arise out of the plan which he now proposed, it must have been felt in the metropolis of the whole world; but the London bankers and merchants declared that they were strongly impressed with a belief that there existed no greater necessity to justify the transaction of the ordinary business of receiving and delivering letters on Sunday, in any of the post-offices of the united kingdom than in those of the metropolis; and they earnestly requested Her Majesty's Government to take into immediate consideration the expediency and propriety of causing the same to be discontinued, by ordering the post-offices in the country to be altogether closed on that day. Their belief was grounded on the fact that the metropolis, containing a population of 2,200,000 souls, had never experienced any necessity for opening the metropolitan post-office on Sundays, and also on the fact that the great acceleration which had recently taken place in the postal communications throughout the empire must necessarily diminish, to a very great extent, any inconvenience which it might otherwise be supposed would arise from closing the provincial post-offices on Sunday; and, believing that the effectual preservation of a seventh day of rest from their ordinary labour was a principle of vital importance to the physical and social well-being of the poorer classes of society, whilst the due observance of the Sunday was a duty of solemn obligation upon all classes of the community, they agreed to take such measures as were best calculated to press the subject on the attention of the Government and the Legislature. So far as the Government had hitherto acted, he and those whose petitions he was supporting, were in entire accordance; but the Government now said that they had done enough, whereas he and the petitioners said that a great deal more could and ought to be done. The Government wished to stand still, while he and the petitioners maintained that the Government ought to go forward. The demand he and the petitioners made was simply this, that every town and city of the united kingdom should be put on the same footing as the metropolis in respect of post-office work. They simply required that the metropolis should be the model to be imitated in all postal matters in every town and city in the kingdom. They asked that a rule should be established to prohibit the collection and delivery of letters and the transmission of mails on the Lord's day. When he said the transmission of the mail, he meant the mail bags; he did not propose to interfere with the passengers. The whole question involved in this debate was a very simple one; he merely asked that each town and city in the united kingdom should be placed under the same conditions in respect to postal matters as the metropolis. The petitioners did not require any exemption from taxation, or ask for any political privilege. They sought not the slightest benefit for themselves. All they asked for was, theoretically, the adoption of a principle which they held to be sacred, but practically that Parliament should extend relief to a body of overtoiled men, and place them on the same footing and in the same condition as that of all other subjects in Her Majesty's dominions. This was the long and short of their demand, and he could not understand in what manner it could reasonably be resisted. It had indeed been said that the plan was impracticable; but that was the invariable answer which had been given to every proposition he had ever submitted to the House, but which nevertheless had since been carried into effect. But if Government gave him this reply, what, he would ask, had their own functionaries said upon the subject? The resolution he was about to propose might be divided into two distinct parts: first, it required the cessation of the collection and delivery of letters in all the post-offices of the united kingdom on the Lord's day. What was Mr. Rowland Hill's testimony upon that point? In his minute of the 5th of January, he said—

> "As regards collection and delivery, London is already in the state proposed, and though the delivery of Sunday in provincial towns is probably the heaviest in the week, still there could be no insuperable obstacle to placing any other town, where the inhabitants in general so desired it, in a similar position."

In the same minute he observed—

> "The former—that is, suspension of collection and delivery—might be adopted without detriment in detail, according to the wish of each particular place."

The surveyors of the Post Office, summoned to London to give their opinion and counsel on the subject, said—

> "With respect to the total suspension of all delivery on Sunday, it is obvious that the measure would be a great boon to the servants of the Post Office, and, if the public mind is prepared to acquiesce in such a proposition, we do not perceive that it is liable to any objection on the part of the Post Office."

He was justified, therefore, in saying that there was no objection on the part of the Post Office in respect to the first part of his resolution. If they would examine all those who had the greatest experience of their postal system — bankers, traders, commercial men of all grades, they would say that no evil whatever, but, on the contrary, a vast amount of good, had arisen out of that amount of restriction on the Sunday delivery which existed in the metropolis. He recollected a few years ago, when a notion prevailed that a Sunday delivery was about to take place in London, that a stronger feeling was manifested and greater efforts were made to resist the plan than any he ever knew to have been displayed in the whole course of his public life on any subject that ever agitated the public mind. To pass now to the second part of the subject of the Motion—the non-transmission of the mail-bags; in reference to this, the report of the surveyors was:—

> "The operation of such a measure would be most unequal, being comparatively harmless with respect to all towns situated within 200 to 250 miles of London, but acting with increased severity upon the interests of all towns situated beyond that limit."

So that within a radius of 250 miles, the transmission of the mails on Sunday might be stopped without any injury resulting—["No!"]—at least, it would be "comparatively harmless." Now a radius of 250 miles would comprise the whole of England to the east and south coasts, to the west as far as Plymouth and Bangor, and to the north as far as the borders of Durham and Westmoreland. It so happened that nearly all the English towns of importance, except Newcastle and Carlisle, were within a range of 250 miles, and the mail from London even at present reached Carlisle at 7.55 on Monday morning, and Newcastle at 9; so that the inconvenience would practically amount to nothing. Scotland and Ireland would no doubt be affected by the proposed regulation; Scotland to this extent, that the Monday morning delivery would be postponed to the afternoon, and in some parts of Ireland it would be postponed to the Tuesday morning. But there was this very remarkable fact, testifying the feeling of great masses of the people upon this subject, that notwithstanding it was known that this result would take place, Ireland had petitioned very largely indeed for the carrying the whole of the resolution; and Scotland —including the great commercial town of Glasgow—had sent petitions for the total measure, with 253,157 signatures up to the 14th of May only. But there was no doubt that the second part of the Motion was open to much more debate than the first; indeed, to the first it seemed altogether impossible that any effective opposition could be made, for the proposed regulation would do no more than place the provincial towns and cities upon the footing of London, and make Sunday the blank day in the provinces instead of Monday. Now, although he, and those whom he represented, retained their opinion as to the feasibility of carrying the whole resolution into effect, and the benefit that would result from it, yet as upon the second part there was a great difference of opinion, not only among those who had not yet made up their minds altogether, but even among those who had signed many of these petitions, he was prepared to amend the resolution in this respect, and instead of proposing, in the terms of his notice, an address asking for measures to be taken to stop the collection and delivery of letters, and also the transmission of mails on the Lord's day, he would move—

> "That an Address be presented to Her Majesty, praying that measures might be taken for the extension of the system of rest on the Sabbath in the London Post Office to the provinces, and that the collection and delivery of letters should entirely cease on that day in all parts of the kingdom—[the word 'collection' was a technical term, and did not mean the dropping of letters into the box, but the sorting and the arrangement]—and also that Her Majesty would call inquiry to be made as to how far, without injury to the public service, the transmission of mails on the Lord's day should entirely cease."

The resolution so modified should surely meet the acceptance of the House, considering the vast body of petitioners who prayed for the first part of the resolution; and that in regard to the other the House was only asked to address the Crown to cause inquiry whether so great a boon, so ardently desired, might not be conferred without injury to the public service. Let the House consider the great importance and value of such an arrangement. The benefit to be derived would not be limited to the few thousands who were confined within the wall of the Post Office, or engaged in the carrying of mails, but would extend to all the receivers of letters—the bankers, merchants, and, above all, the clerks and official persons in the counting-houses and houses of business, who were compelled, by necessity, as it were, against their own desire, to engage in a great deal of business on the Lord's day. Surely some certain period of returning repose should be secured for our overwrought people. Every Gentleman present might be appealed to, to testify in his own person to the satisfaction which he felt on the return of the Sunday, if only from the consciousness which he had that he should not be compelled to hear the everlasting rap of the postman at the door, and to answer letters time after time during the day. Appeals might be made to the House upon many grounds to induce them to consent to the measure proposed to them: first and foremost, upon the ground of the Scriptural character of the institution, and the religious obligation of the day. Without entering into any theological argument, this might at least be said, that all who received either Testament, or both—the Jew, the Roman Catholic, the Church of England, all the reformed churches of the Continent, the Wesleyans, the Protestant Dissenters—all recognised the divine institution of the Sabbath, and carried into practice, as well as confessed, the obligation of the observance of one day in seven for the purpose of worship and repose. This obligation was universal. There was no distinction of persons, or callings, or stations, or pursuits, of times or circumstances—it was binding upon all. The only exception was that constituted by works of piety, charity, or necessity. The wonderful adaptation of this institution to the social, physical, and religious wants of man was, if there were no other, an argument for the divine character of the institution. That it was particularly suited to the case of those whose necessities called them to daily toil, had been well proved in those remarkable recent productions, the prize essays by working men on the temporal advantages of the Sabbath, in which the men stated their own experience and recorded their own feelings, and showed how their aspirations and their wants were met by the recurring day of worship and repose. The House might almost be appealed to on the ground of justice; they were imposing upon their public servants in this department a duty which they did not impose upon any other, nor upon themselves, for they took good care to secure, not only the Sunday, but the Saturday, for themselves. These persons, although in receipt of public salaries, had rights inalienable, privileges that could not be taken away, or even suspended, except upon the ground of public overwhelming necessity. Now, if necessity was the plea for continuing this Sabbath labour, the truth of the argument should be proved by instantly opening the London Post Office; if necessity was not the plea, as it could not be, then the provinces and London should be put upon an equality. This was also a sanitary question—a question of health, concerning all engaged in this labour; and Gentlemen might well direct their attention to the consequences of overtoil, the vast amount of widowhood and orphanage resulting from the premature death of those who were taxed beyond their power. The proposed limitation might, among its benefits, produce that of somewhat extending, if not life, the working powers of thousands. If relaxation was necessary for those who lived in a great measure of ease, how requisite it must be for those sons of toil who laboured from morning to night, and in many instances through the night into the morning! Would the House listen to a working man speaking his own feeling in one of these prize essays—*Heaven's Antidote to the Curse of Labour?* The writer was showing that we were not only to look to the cessation of bodily toil, but of wear and tear of mind—that change of occupation which gave refreshment and constituted repose, as so many working men found in passing from the severity of toil to active labour in Sunday-schools on the Sabbath. The writer said—

"It is not enough that a race of rational beings should be dealt with on the mercenary principles adopted with respect to our beasts of burden. Man's twofold nature—his nobler capabilities—his elevation as a moral agent—his soul, resplendent even in its ruins—challenge a loftier recognition of his claims than is due to the mere drudges of creation. To calculate the daily ravages committed upon the loins, the muscles, and the limbs of labour, and to dole out the minimum amount of rest and nutriment that will suffice to repair these damages—to barely maintain the equilibrium of functional waste and supply at the smallest possible sacrifice of their services—is to embrute the labouring population; yea, to degrade beings originally fashioned in the image of God into mere animate machines to be used in the production of wealth, luxury, and patrician indulgences, in which they are never suffered to participate. Instead of which, they are doomed, through the elasticity of youth, the vigour of manhood, and the decrepitude of age, to spend all their intervals of relaxation from physical exertion in eating, in drinking, or in sleeping—and all of this only to gather fresh power for the strained sinews, and new moisture for the dripping brow! But man yearns for a higher order of repose than this; something more congenial with the diviner indwellings of his being. Not the mere oblivion of the senses; not the luxurious stretch of the tired limbs; not the subdued throbbings of the overwrought brain; not alone the casting out of mortal weariness and pain; not a rest altogether imposed by physical necessity, but a rest that may be wakefully, intelligently, and complacently enjoyed. Such a want is delightfully supplied by the institution of the Sabbath!"

We were all aware of the movement for the early closing of shops, and for the limitation of the hours of labour in factories: were these departments alone to be thus benefited? All the advantages of rapid locomotion and communication redoubled the toil of those whose case was now especially before the House; were they alone to be as a Pariah race, excluded from the enjoyments of the rest of the community? The matter was very simple. The simple demand was, that there should be transferred to the country the benefits and restrictions to which we so willingly submitted in this great commercial city. The working man just quoted said—

"The Sabbath, as a day of relaxation and refreshment, should be esteemed piously by the working classes in particular. The statesman, the merchant, the manufacturer, and even the tradesman, can often escape the duties or emancipate themselves from the thrall of business; and, vanishing from their respective engagements, may embark for foreign travel, and luxuriate awhile in some invigorating clime; or, wandering up and down our own fair isle in search of health, may halt at spots rich in historic interest, and in memorials of ancient fame, or may visit the wonder-teeming cities and towns reared by modern enterprise; or else, if wearied with the excitement of such scenes, may turn aside, for a season, to the margin of the ocean, and there inhale health and gladness from its bracing breezes; refresh their bodies in its living waters: and soothe the irritation of their feelings with the music of its murmurings. But not so the poor working man. He cannot go beyond his tether. He can rarely cast off his collar. From morning's dawn to evening's close, and often into the deep shadows of the night—through scenes of sorrow and tribulation, and the incipient stages of disease—his necessities chain him to his post. Condemned, like Sisyphus of old, to roll the stone of labour up the steep acclivity of life, which, on having neared the summit, rebounds to its starting point again—he finds himself, after the disbursement of his scanty wages, again at the bottom of the mountain, yoked to his hopeless task, and compelled to begin anew the uphill struggle. But cheer thee, child of travail! The blessed Sabbath is thine own! It is the excellent gift of thy Maker—see, then, that no man rob thee of thy boon! It is the heirloom of thy family—see that it be not alienated from their possession!"

He (Lord Ashley) hoped he had abstained from touching anything that might give rise to theological controversy; but he could not repress the expression of his strong feeling of the immense goodness and wisdom of God in the institution of this period of returning rest, and of the immense injustice of those who would refuse the participation of it to their fellow-creatures. He felt great comfort in the consciousness that he was speaking the sentiments of more than a million of his fellow-countrymen upon this great subject. He rejoiced that here *vox populi* and *vox Dei* were in strict harmony. No new law was asked for, no restriction upon the freedom of the enjoyment of others, nothing that could in the least interfere with any privileges, rights, liberties, immunities; but simply that the power be given to these sons of toil to enjoy, if so disposed, the opportunity of observing the law of their God, and of "remembering the Sabbath-day that they might keep it holy."

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, representing the great desire which exists in all parts of the United Kingdom, for an extension of that rest on the Lord's Day which is afforded in the London Post Office to the Post Offices of the provincial towns, and praying that Her Majesty will be graciously pleased to direct, that the collection and delivery of letters shall, in future, entirely cease on Sunday in all parts of the kingdom:—And, also, that Her Majesty will cause an inquiry to be made as to how far, without injury to the public service, the transmission of the Mails on the Lord's Day might be diminished, or entirely suspended."

MR. COWAN seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER could assure his noble Friend and the House, that in opposing the Motion he was fully sensible of the deep feeling entertained by many persons upon this subject, and should be exceedingly sorry to be supposed, from any word that he should say, to differ at all from the view the noble Lord had expressed of the value of the Sabbath-day. But this Motion went but a very small way towards carrying that view into effect. If the object were that no labour should be performed on the Sabbath, a very different Motion would be required; because, even as to persons employed in the public service, the noble Lord was in error when he supposed that the parties employed in the Post Office were the only persons upon whom Sunday labour was imposed. What did he say to the case of the police, the exciseman, the coast-guard, the customhouse officer, all of whom were called upon to perform duties on the Sunday? He (the Chancellor of the Exchequer) had mentioned persons connected with his own department; but there were many other classes of servants, private and public, from whom the noble Lord could not venture to propose to take away the burden of Sunday labour. That it should be reduced to a minimum, both in public and private establishments, no one felt more strongly than himself; and he hoped to show that upon this subject the Government had not been negligent, but had, within the last two years, carried that principle to an extent never contemplated previously, and far exceeding what had been done in the last half-century. He had to thank the noble Lord for acknowledging so frankly what the Government had done; because for the last six months the Government had been subjected to the grossest mis-statements of fact as to what they had been doing for the past two years. For those two years the noble Lord at the head of the Post Office department, and gentlemen connected with the administration of that office, had been unremitting in their endeavours to reduce the amount of Sunday labour; and it was a proof how strangely things were sometimes taken up in this country, that the very measure which effected the largest reduction was treated as one of the opposite direction, and tending very largely to increase Sunday labour! He could not help suspecting some portion of the feeling manifested had taken its rise in the mis-statements which were circulated in the country upon this question; he did not at all mean to say that an honest feeling did not exist upon the subject, but the most extraordinary mis-statements had been circulated, and conduct was imputed to the Government the very reverse of that which they were pursuing. He would state generally the effect of the measures the Government had pursued. The effect had been to relieve from any Sunday labour, preventing attendance on divine worship, no less than 8,000 persons in the united kingdom. The measures which excited so much feeling was the temporary employment of about 25 clerks in London on the

Sunday for a very few months; 27 clerks had been employed in the London Post Office on Sunday for years without exciting observation, and it was proposed to employ temporarily 25 more; and that was a portion of a general measure—and it was unjust to consider what took place in one particular town, and exclude what took place in the rest of the country—that was part of a general measure, by which in England upwards of 6,000 persons were relieved. It had since been extended to Scotland and Ireland, and 2,000 more were relieved. But what had been the effect with respect to London, where the outcry arose? Why, not only had the additional employment of 25 persons (to bring the new system into operation) been discontinued, but the 27 persons heretofore employed had by subsequent arrangements been reduced to four. In London the 27 persons employed had been reduced to a clerk and three messengers; and in the country generally the persons connected with the Post Office had been relieved to the number of 8,000; and with the exception of those who attended to the receipt and delivery of the mails, in the few cases when they happened to arrive during church time, and who would not be relieved even by the proposal of the noble Lord, no person was debarred from the opportunity of attending public worship on Sunday. He would appeal to the House whether such attacks as had been made upon the Post Office department were justified; he had certainly felt very strongly the exceeding injustice of the attacks made upon the department by persons who never took the trouble to ascertain what the facts were. He hoped the House would take what the Government had done as a pledge and earnest that they were willing to the greatest possible degree they believed practicable to carry further this reduction of Sunday labour; and he was perfectly ready, with reference to the latter part of this resolution, to undertake that inquiry should be made how far it was possible still further to reduce the conveyance of the mails on Sunday. But the proposal of the noble Lord was, first, that there should be no collection of letters on the Sunday in the country; that was, that the Post Office messengers should not be sent round to collect the letters, but that people should be at liberty to put them in on the Sunday—though, if there was to be no despatch on the Sunday, that would not be of much advantage to them. Now, so far as the Post Office was concerned, it was perfectly easy to close the office; it was a question for the public to determine whether they wished to have their letters on Sunday or not; and where any district had expressed its wish that there should be no collection and no delivery of letters, that wish of the inhabitants was conformed to. The second question was one of greater difficulty, because it involved a very considerable delay in the transmission of letters to many parts of the country. It was, after all, not so much a question for the Government as for the country to decide. If the country was prepared to forego the receipt and delivery of its letters on Sunday, and to submit to the inconvenience which the delay of the transmission of mails on Sunday would impose upon it, there was no difficulty, so far as the Post Office was concerned. But he believed that the country would find that this imposed exceedingly great difficulty and hardship upon it; and he confessed that he thought he was faithfully representing the great majority of the people when he said that such a course ought not to be adopted. Within the last two years the noble Lord the Member for Bath presented a petition from that city, urging that the Post Office should be closed on the Sunday. It was closed after ten o'clock, with the general approbation of the inhabitants; but no sooner was the arrangement adopted than a counter petition was presented, showing the hardship that the measure asked for would inflict upon them; they stated that the persons living there had connexions in every part of the globe, and that early intelligence from them and communication to them was an object of great solicitude. Was not that so with all persons of all classes, from the highest to the lowest? In the case of the highest, indeed, many means of obviating the difficulty might be resorted to. It was easy to send a message by electric telegraph, or to send a messenger—for the noble Lord did not propose to stop the trains. But that was not in the power of the great majority—it was not in the power of the poorer or the working classes; and believing that to them, no less than to the wealthy, early intelligence from friends and relations was an object of great interest and anxious solicitude, he was unwilling to debar them from the advantage which the Post Office gave them. The question had been raised in the United States, in many parts of which stricter notions prevailed upon the observance of the Sabbath than in England; but upon consideration they came to the same conclusion as he hoped that House would come to. They were desirous of a diminution of Sunday labour, but they felt that it could not be utterly discontinued; that the comfort and happiness of a large portion of the people were essentially promoted by the regular transmission of the mails. This was not a question of revenue; the revenue would not be affected materially by the decision; he utterly disclaimed that consideration; but he believed the comfort and happiness of a great portion of the people were promoted by a very small degree of Sunday labour in the transmission of the mails, and he believed the evil was much less than the advantage. Wherever Sunday labour could be diminished, the Government were perfectly ready to diminish it; but they did not think it would conduce to the real happiness of the great body of the people that it should be utterly and entirely discontinued.

COLONEL THOMPSON said, he had many years ago expressed his views on the subject of Sabbath observance, in a manner that would make it be considered an act of either hypocrisy or cowardice on his part were he to decline to state his sentiments now with equal plainness. The noble Lord began by stating that he would decline all theological argument, that he would make no theological statements; and then all he said was this—that all Scripture, all churches, all sects, were unanimous on the question of the Sabbath. He (Colonel Thompson), however, must declare that while Christianity and not Judaism was the religion of the great majority of this country, there must be a great multitude of men—silent, perhaps—not wishing to put forth their ideas with force or violence, or even energy—who believed that the observance of the Sabbath according to the Jewish law, was not only not ordered, but prohibited to Christians. The great Author of Christianity himself was exposed to imputations on this head; and the like would probably not fail to be thrown out against his humblest follower. The Author of Christianity himself opposed the prevailing notions on the subject of Sabbath observance; and another, second only to him, the Apostle Paul, styled *par excellence* the Apostle of the Gentiles, commanded those to whom he wrote to allow no man to judge them in that matter. Other things were included in that injunction, to which he would not allude by name, lest he should excite a smile, according to the practice which he was sorry to see too prevalent in the House. Christianity had liberated its professors from the most onerous rite of the Jewish law, but only on the same authority which had liberated them from the enforced observance of the Sabbath. No mention is ever made of the belief of any of the Apostles in the obligation of the Jewish Sabbath, except to disavow it. Mention is made of the "Lord's Day," a fitting appellation to give to the first day of the week in commemoration of the great event which on that day had occurred, and which it was proper should be kept continually before the eyes of Christians. But was there any record of that day being kept according to the requirements of Judaism? The only statement found, was that the disciples met on that day and made charitable contributions. If the practice of the early Christian Church was looked at, no trace could be found of the Sabbath, or any substitute, being observed in the manner prescribed by the law of Moses. On the contrary, the first day of the week was regarded as a day of enjoyment; and such was the practice still in countries professing the faith of Rome, which though not admitted by a majority in this country as a creed, was undeniably of value as an antiquarian record. In any such continental town, Sunday might be seen as the day of enjoyment; and not Sunday, but the representative of a more painful and equally solemn event, was chosen for the day of self-denial, as was testified by the *Vendredi Relache* on the door of every theatre. If the Confession of Augsburg was consulted, it would be seen that the obligation to observe Sunday, Pentecost, and other festivals, was protested against by the earliest collection of Protestant Reformers, as an imposition not obligatory upon Christians. If the House laid its commands on him, he would read them the whole either in excellent Latin or very antiquated English; but he would recommend to hon. Members to read it for themselves in the library of the British Museum, where they might take it from the very book which had perhaps been in the hands of those who went to the stake upon that quarrel. Luther made it a point to buy something every Sunday, that he might show his Christian liberty. Calvin conceived the reason why the Sabbath was so strictly enforced on the Jews was, that their numerous slaves had no other means of obtaining repose. He was disappointed that hon. Gentlemen opposite did not cheer that statement, because he meant to ask them in reply if the English labourer was in that servile state which prevented him from maintaining his own cause. The Church of England gave the commandments as she found them in the Book of Exodus; but he would ask any hon. Gentleman who could say his catechism, whether in that catechism the Church made any inference as to the obligatory character of the Sabbath? On the contrary, she entirely ignored it. He knew there was something on the subject in a Homily; but, he would ask, what was there which could not be found in the Homilies, or some insulated portion of the documents of the Church? Transubstantiation could be found there, as well as that other doctrine about which so much agitation prevailed at the present moment, and which he mentioned because it had been productive of persecution to an old college friend —the doctrine which a British classic (Sterne), himself a presbyter in the English Church, had held up as the object of the avowed jest of Protestants, under the description of baptism *par le moyen d'une petite canule*. Auricular confession could be found in the services of the Church. If he was an unwise bishop—and such things had been and might be again—he would not allow Christian burial to man or woman who had not made auricular confession to his satisfaction; for was it not stated in the rubric that every man on his sick bed was to be exhorted to confess his weighty sins—and who had not committed weighty sins? —nor allow it to any Member of that House who ate a chop in Bellamy's on a Friday —["Hear, hear!"]—for was it not written that all the Fridays in the year were fasts, and did not he therefore who had eaten and not confessed, die in hostility with the Church? The fact was, that the Church of England was a compromise, and a sensible and wise Church she was in adopting that course; and in interpreting her doctrines her own example must be followed— the main points taken, and the accidental cast aside. Paley, Arnold, Whately, and other eminent members of that Church had given it as their opinion that the observance of the Sabbath was not obligatory, and that it ought to be resisted by Christians. He would instance what had been his own share of suffering in consequence of the existing cruel rule. He had a relative, his wife's brother, who was reported to him on the Saturday afternoon as being dangerously ill. It proved to be one of the earliest cases of cholera; though no one then knew it. He hastened to see him in one of the suburban villages. It was too late that night to write to his sister, who was in Paris. On Sunday it was the will and pleasure of the noble Lord's brother sectaries, that no intelligence should be sent. At one o'clock on Monday morning his brother-in-law died, and he (Colonel Thompson) had the melancholy duty to write to his sister that her brother was dead, and that a savage sectarianism had prevented his danger from being communicated to her. Was it Christian that such suffering should be inflicted upon him and upon thousands more? But there was no necessity for the thing even on the adversary's own showing. Might not those who had this work to do on the Sunday, have their burden alleviated by working some on one day and some on the other, or might it not be done by men who had no religious objection? There was a numerous body in this country whom he hoped soon to see admitted to this House and to the privileges of citizens, who had no objection to working on the first day of the week, by the token that their religious rule prohibited them from working on the seventh; and they had no objection to other persons working for them on their Sabbath, for he happened to have been acquainted with a Jewish family who kept a Christian servant to stir the fire for them on Saturday. One point more. He had no confidence in the reported acquiescence of the higher commercial classes. In a commercial town he had once the honour to represent, he found there was a disposition among the richer classes of merchants to delay the post; they were particular in requesting, that their post letters might be long in coming. That seemed to him a paradox, and he sought an explanation; and he discovered that the rich merchants had an idea that 20*l.*, which was the cost of an express from London, was often well spent if they could keep the lower class of merchants from having the same early information. He hoped they were approaching the time when the observance of the Sunday, which he was far from wishing to abolish, would be turned to the advantage of that large class in this country who, having no political influence at this moment, were rising to knowledge and intelligence which would soon force the necessity of admitting them into the constitution. When were these men to learn, unless upon their day of rest? Would it not be wise to encourage the desire; and would the House begin by declaring that the first step should be to deprive them of the means of receiving a communication from or sending one to their friends upon that day?

Mr. PLUMPTRE said, it appeared to him that the hon. and gallant Member entertained the opinion that the observance of the Sabbath was not of perpetual obligation. From this opinion he begged to differ. The hon. and gallant Member seemed also to regard the exercise of the Christian religion on the Sabbath as a severe and bitter service, and that he wished to be exempted from it. He (Mr. Plumptre) did not sympathise in such feelings. He deemed the exercise of religion a high privilege as well as a high duty, and that they involved a high reward. As well might the command, "Thou shalt commit no murder," or "Thou shalt not steal," be regarded as not of perpetual obligation, as to say that the obligation to observe the Sabbath departed with the Jewish law. The right hon. the Chancellor of the Exchequer had stated that the proposition of the noble Lord did not go far enough; and he instanced the cases of policemen, excisemen, the coast guard, and custom-house officers, all of whom were required to labour on the Sunday. The distinction, however, in the cases was this: labour in the Post Office was not absolutely necessary—in the other cases it was.

Mr. MUNTZ was glad that the noble Lord had altered the latter part of his Motion as it stood on the paper; because, although he was anxious to prevent the delivery of letters on Sunday, he had no wish to stop the transmission of mails on that day. Much had been said about the hardship to which post-office officials were subjected under the present system; but the system was productive of great inconvenience to private individuals also. For his part, he was quite tired of reading and writing letters on Sunday. If all persons were placed on the same footing, no injury could arise to any one from the abolition of the Sunday delivery. Take his word for it, that, if the noble Lord's proposition were carried into effect throughout the kingdom, everybody would rejoice at it after a fortnight's experience. It was farcical to pretend that the delivery of letters on a Sunday was a matter of essential importance to every petty provincial town, when the merchants of this great metropolis went without their correspondence on that day without complaint. He did not rely so much on the religious part of the question as others did; but he thought every man was entitled to the Sunday as a day of rest, and to employ it as he liked. He cared not whether the observance of Sunday sprang from Judaism or not. However established, it was a benefaction to mankind. His own experience satisfied him that if the Legislature and the Government were not to maintain the observance of Sunday, it would soon be converted into a workday. Masters would soon force their workmen to labour on Sunday, as some masters now compelled their men to work longer than they ought to do on week-days. For the reasons he had stated, the noble Lord's Motion should receive his cordial support.

Mr. FORSTER denied that the petitions presented in favour of the noble Lord's proposition expressed the opinion of the more intelligent portion of the community. To show that such petitions were got up, he instanced a case when, a petition having been presented purporting to be from a borough of 15,000 inhabitants, and signed in some instances by persons whose names he did not recognise, a counter petition was sent to him for presentation signed by the magistrates and all the principal traders and shopkeepers of the place. He hoped the independent Members of that House would have the courage, as he believed they had the inclination, to oppose the Motion.

The House divided:—Ayes 93; Noes 68: Majority 25.

List of the AYES.

Anderson, A.
Arbuthnot, hon. H.
Bateson, T.
Bennet, P.
Beresford, W.
Blandford, Marq. of
Booth, Sir R. G.
Bromley, R.
Brotherton, J.
Bruce, C. L. C.
Burghley, Lord
Buxton, Sir E. N.
Childers, J. W.
Cobbold, J. C.
Colvile, C. R.
Conolly, T.
Cowan, C.
Currie, H.
Davies, D. A. S.
Denison, E.
Dickson, S.
Drummond, H. H.
Duff, G. S.
Duff, J.
Duncan, G.
Duncuft, J.
Edwards, H.
Evans, W.
Farrer, J.
Fergus, J.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Gooch, E. S.
Grenall, G.
Grosvenor, Lord R.
Halsey, T. P.
Hamilton, G. A.
Hastie, A.

Hastie, A.
Headlam, T. E.
Heald, J.
Hildyard, T. B. T.
Hodges, T. L.
Horsman, E.
Hotham, Lord
Jermyn, Earl
Jolliffe, Sir W. G. H.
Keating, R.
Lacy, H. C.
Lewisham, Visct.
Lockhart, A. E.
Lockhart, W.
Long, W.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Meagher, T.
Milner, W. M. E.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Mundy, W.
Muntz, G. F.
Newdegate, C. N.
O'Brien, Sir L.
O'Connor, F.
Oswald, A.
Palmer, R.
Pearson, C.
Perfect, R.
Plumptre, J. P.
Pugh, D.
Pusey, P.
Richards, R.
Robartes, T. J. A.
Scott, hon. F.
Smith, J. A.
Smyth, J. G.
Stanley, E.
Stanton, W. H.
Strickland, Sir G.
Sullivan, M.
Tenison, E. K.
Tollemache, J.
Turner, G. J.
Verney, Sir H.
Villiers, hon. F. W. C.
Welby, G. E.
Williams, J.

TELLERS.
Ashley, Lord
Acland, Sir T.

List of the NOES.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Berkeley, Adm.
Boyle, hon. Col.
Brown, W.
Burke, Sir T. J.
Carter, J. B.
Cavendish, hon. C. C.
Cobden, R.
Craig, Sir W. G.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Fagan, W.
Ferguson, Sir R. A.
Fordyce, A.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hawes, B.
Hayter, rt. hon. W. G.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hume, J.
Jervis, Sir J.
Lewis, G. C.
Lushington, C.
Mackie, J.
Mackinnon, W. A.
Maule, rt. hon. F.
Melgund, Visct.
Moffatt, G.
Nugent, Lord
O'Connell, M. J.
Packe, C. W.
Palmerston, Visct.
Parker, J.
Rich, H.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Scully, F.
Sheil, rt. hon R. L.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tufnell, H.
Walmsley, Sir J.
Walter, J.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Hill, Lord M.
Bellew, R. M.

MINISTERS' MONEY (IRELAND).

MR. W. FAGAN having presented several petitions from Cork against Ministers' Money, proceeded to express his regret that he had not been in his place when the noble Lord at the head of the Government made a statement in reference to the subject. As some responsibility attached to him (Mr. Fagan) with regard to this question, he hoped the noble Lord would be pleased to repeat what he had stated to the House that evening, and he hoped the noble Lord would also take the opportunity of saying that, if not in this Session, at all events early in the next Session, the Government would be prepared to take up this question. The noble Lord must be aware, that after his announcement that evening, as he (Mr. Fagan) understood it, it would be exceedingly difficult indeed for the Protestant clergy in the corporate towns of Ireland to collect the tax. He had the pleasure of showing the noble Lord that evening a letter from a most amiable and respected clergyman of the Established Church, the Dean of Limerick, Dean Kirwan, the son of the celebrated Dr. Kirwan, and from that letter the noble Lord was aware how anxious he was that this tax should be abolished, not only on account of the bitterness and ill-feeling it produced amongst all classes in Ireland, but also on account of the utter impossibility of now collecting it. He hoped also the noble Lord would state that he would adhere to the recommendations of the Select Committee of that House in reference to the question, for any settlement that would transfer the burden from the tenant to the landlord would not answer. It might answer on the tithe question, but it would not answer with respect to ministers' money, because they had it in evidence that the landlords who paid the tax, or the greater part of them, were Roman Catholics. He hoped, therefore, that the noble Lord would state that the recommendation of the Committee would be adhered to. After the statement of the noble Lord, he should ask the leave of the House to withdraw the Motion which he had on the paper for that evening.

LORD J. RUSSELL said, he had stated on a former occasion, when the hon. Gentleman was not present, that the question of ministers' money was under the consideration of the Government, and that there was a plan by which it was hoped that the grievance would be remedied. The Government intended to introduce a measure on the subject, and he had no hesitation in saying that it would not be later than the commencement of the next Session when that measure would be proposed.

Mr. HUME begged to remind the noble Lord that ministers' money was also collected in Edinburgh and Montrose, and hoped that relief would also be afforded to the parties affected by it.

Sir G. GREY said, that a report on the subject had lately been presented to the House, and he considered it was expedient that they should have ample time to consider its recommendations, and give their opinions upon it.

Mr. G. A. HAMILTON was exceedingly glad to find that they were secured from the necessity of entering into one of those unpleasant discussions that generally took place on this subject. He always thought it was a question that should have been taken up by the Government, and was ready to admit there were a great many circumstances connected with ministers' money that ought to be remedied. He sincerely hoped that this long-disputed question would be brought to a satisfactory arrangement.

Subject dropped.

OATH OF ABJURATION (JEWS).

Lord J. RUSSELL: Sir, in introducing the subject of the oaths to be taken by Jews, it is not my intention to make any statement at present. I do not think the House will object to give me leave to bring in a Bill on the subject, seeing that it has twice passed a Bill on the same subject, and appointed a Committee to inquire into the present state of the law. What I propose is, that there shall be a Committee of the whole House, and that leave be given to me to bring in the Bill; and on moving the second reading of that Bill, I will state the reasons on which it is grounded, and why I think it is desirable to legislate upon the subject. There is so much uncertainty with regard to the law, that some persons think it will be a matter for consideration whether persons professing the Jewish religion cannot come to the table on as good grounds as persons belonging to the Society of Friends; I am decidedly of opinion it would not be right that that course should be taken. It is most desirable that both Houses of Parliament should have an opportunity of discussing the question, and considering in all its bearings what were the intentions of the present oath of abjuration, and the course to be taken; and it is to give full consideration to the subject that I shall move for leave to bring in a Bill to regulate the mode of administering the oath of abjuration. I move now—

"That this House will immediately resolve itself into a Committee, to take into consideration the mode of administering the Oath of Abjuration to persons professing the Jewish Religion."

Mr. NEWDEGATE assumed that the Bill which the noble Lord proposed to introduce would raise the same question as to the Christian character of that House as the Bill discussed on a former occasion. He had not the least wish to detain the House by provoking discussion at the present moment; but he must express his regret, after the strong proof which the noble Lord had just had of the religious feeling of this country—a feeling not lightly to be tampered with—that he should think fit to disregard the satisfaction with which the decision of the Upper House had been received. He would merely conclude by warning the public that they were about again to see introduced into that House a question the discussion of which every one who felt deeply upon such subjects must lament. It was most lamentable that there should be a doubt as to the propriety of retaining the Christian character of that House; and, humble Member as he was, he gave notice that when the noble Lord proposed the second reading, he would move that it be read a second time that day six months, in the full confidence that he would be supported by the same deep feeling, to the existence of which the division that had just taken place bore convincing testimony.

Mr. PLUMPTRE would second the proposal of his hon. Friend. He protested against the measure in any shape, and against the Christian character of the House being altered, and would take every opportunity of giving his decided opposition to the measure.

"*Resolved*—That the Chairman be directed to move the House, that leave be given to bring in a Bill to regulate the mode of administering the Oath of Abjuration to persons professing the Jewish Religion."

Resolution reported.

Bill ordered to be brought in by Mr. Attorney General, Lord John Russell, and Sir George Grey.

Bill read 1°.

ENGLISH AND IRISH UNIVERSITIES.

Order read for resuming the Adjourned Debate.

Mr. GLADSTONE said, that when he gave notice of his intention to move the postponement of the adjourned debate, he did so in the belief, which he shared with other hon. Members, that there was not the least probability that the subject could come on with any profitable discussion that night, or before eleven or twelve o'clock. If he thought things would be as they were at present, there was no reason why the debate should not be resumed, and he would be the last person to ask the House to show indulgence to persons negligent in their duties; but under the circumstances, and considering the opinions entertained with regard to the course of business, it was not an unreasonable request to make that the House would not go on with the debate that night. With the exception of himself and the representative of the University of Dublin, every Member representing the Universities was absent. The right hon. Gentleman the Member for Tamworth, and other Members interested in the subject, were also absent. The question involved constitutional doctrines of considerable importance; and those Gentlemen were anxious to open those topics, and lay their views before the House. Another question had been raised to his great surprise, namely, that this discussion should drop altogether. He hardly knew if it were necessary for him to go into arguments on the question : he hardly knew if any Gentleman conversant with the history of the Universities, or the relations between them and the State in former times, would think that the question of an inquiry into their condition was one so trivial that it did not deserve discussion in that House. The noble Lord admitted, when he entered into the question, that the debate related not to the issuing of a Commission, but to the state of the Universities; and he also admitted it was a question that deserved discussion. He (Mr. Gladstone) was quite sure the noble Lord was right, and that for the object he had in view the whole matter should be opened up; for to enter into the question hastily, or at once get into the midst of it, was not the most satisfactory way to dispose of it. The constitution had given the Universities the high privilege of being represented, and their representatives should be allowed to express their views on such a Motion. He hardly anticipated any opposition from the noble Lord, as there was a claim which in justice could not be resisted for a full discussion on the matter; and he (Mr. Gladstone) would not occupy the time of the House by reasoning on such a matter, were it not for the manifestation of an intention on the part of a noble Friend of his to prevent the further progress of such discussion. They had not had a night's debate on the question whether the Commission should issue. The debate commenced from the speech of the noble Lord, and he must likewise point out that they were informed that a course would be pursued by the Government different from that actually taken. They were told deliberately in so many words, at the commencement of the evening, and while the hon. Member for North Lancashire was making his speech, that it was the intention of the Government to meet the Motion with "the previous question." Therefore the tone of the debate was different from what it would be if they had any announcement like that of the noble Lord. It was to the Universities, at least, a very serious and formidable announcement; and their intention was this—directly to raise the question whether the proceeding intended by the noble Lord was not strictly an unconstitutional proceeding. They did not mean to debate the question on the ground whether it was expedient, or whether there was cause to warrant the interference of the State. The interference of the State was one thing—the mode in which the noble Lord proposed to conduct that interference was another; and they would argue to show that it was an unconstitutional mode of proceeding which the noble Lord meant to take. If he thought there was reason for a measure so serious as an inquiry into the state of the Universities, the only course he could with propriety take was to propose the appointment of a commission by Act of Parliament. He (Mr. Gladstone) did not then intend to go into the discussion, but wished to show the noble Lord that the matter was of a grave and serious character, and leave the noble Lord to consider whether he could give an opportunity for the further discussion of the question. There was no intention on their part to evade it; they knew the position of the Universities would be weakened and their character degraded by such a proceeding; the sooner the discussion came on the better, and they entreated the noble Lord (though it might be his own opinion that there was no occasion for discussion, and that he should make his Motion to adjourn the debate for three months), by his obliging intervention, to give them an opportunity of stating their views on the subject. It was not right that the Members for the Universities, with the exception of the right hon. Member for Cambridge, should not be heard on this question; and he therefore moved that the debate should be adjourned to Monday next.

Lord J. RUSSELL had no objection to the adjournment of the debate to Monday next, for he admitted that in the absence of the other Members for the Universities it was not right to proceed with it at that moment; but at the same time he did not at all see that he was bound to postpone Government business for the purpose of the resumption of that debate. After the hon. Member who brought forward the Motion was informed of the intentions of the Government, he did not wish to persevere in it, and was ready to withdraw it. That being the case, he was not bound to find an occasion for the discussion of the question; but the right hon. Gentleman could discuss the question on some other Motion. He thought the course should be to appoint this debate for some day when the proceedings of independent Members would have precedence of the orders of the day, and not ask the Government to give up one of their nights for the purpose. If that course were taken, he should have no objection to the postponement of the debate.

Mr. GLADSTONE: Will you postpone the Commission?

Lord J. RUSSELL: Oh, no: I don't promise to postpone the Commission; but I am not making extraordinary speed with it. I agree on those terms to the adjournment of debate to Monday next.

Mr. HUME hoped the noble Lord would not postpone the issuing of the Commission. He believed the proceeding was perfectly constitutional. He hoped the Government would persevere, and that the public would have the benefit to be derived from that inquiry.

Debate further adjourned till Monday next.

The House adjourned at Eight o'clock.

HOUSE OF LORDS,

Friday, May 31, 1850.

Minutes.] Public Bills.—1ª Court of Chancery (Ireland); Elections (Ireland); Exchequer Bills; Incumbered Estates (Ireland) Act Amendment; Process and Practice (Ireland) Act Amendment; Sheriff of Westmoreland Appointment; Court of Chancery (County Palatine of Lancaster).

2ª Sunday Fairs Prevention; Distress for Rent (Ireland); Australian Colonies Government.

Royal Assent.—Alterations in Pleadings; West India Appeals; Defects in Leases Act Amendment; Process and Practice (Ireland).

DISTRESS FOR RENT (IRELAND) BILL.

The **Earl of LUCAN** moved the Second Reading of this Bill. By an Act of the 53rd of George III. the power of distraining growing crops for arrears of rent was given to the landlords of Ireland. In the year 1843 that Act was repealed by another, which was passed on the 28th of August, when a majority of the noble Peers connected with Ireland had returned to that country. The object of this Bill was to re-enact the Act of George III., and to restore a statute which had seldom or ever been used, and which certainly had never been abused. That statute was, in point of fact, a dead letter; but the knowledge of its existence had been sufficient to secure the payment of his rent to the landlord. It was desirable that it should be renewed, for its repeal was uncalled for, and had been most injurious to the peace and tranquillity of the country. Tenants now reaped their crops on Sundays, and then removed them by night for the express object of robbing their landlords. He then read several extracts from the Irish papers to show the extent to which these depredations had been carried. The power of distraining growing crops was given to the landlords of England. Now, if such a law were necessary in this country, it was still more necessary in Ireland, where the landlord had to pay rent for his smaller tenants, and was liable for arrears of rates, which was not the case in England. In England, a landlord could get rid of a tenant who was six months in arrear. Not so in Ireland. The Irish landlord ought, therefore, to have the same remedy against growing crops as the landlord had in England.

The **Marquess of LANSDOWNE** was not prepared to pledge himself to support this Bill in all its details; but it was only fair to the noble Earl who had introduced it to allow it to be read a second time. Some remedy, but he would not say this remedy, ought to be applied to the grievance of which the noble Earl justly complained.

After a few words from the Marquess of Westmeath and the Earl of Glengall in support of the Bill,

Bill read 2ª, and committed to a Committee of the whole House on Tuesday, 11th of June.

SUNDAY TRADING PREVENTION BILL.

Order of the Day for the House to be put into Committee read.

The Earl of HARROWBY moved that their Lordships should go into Committee on this Bill, and he proposed to postpone any statement he might have to make respecting it till another stage.

Lord BROUGHAM said, no man was more anxious for the success of a measure of this kind than himself, and his fear was that if they attempted to do too much—if they held the rein too tight—they would defeat the purpose which they had in view, and render the consecration or the due observance of the Sabbath what it never ought to be—an unpopular thing. There were many details in the Bill which to him seemed somewhat inconsistent. Why was the operation of the measure to be confined to the metropolis? That was a limitation which he could not understand; for if it was good for London, it would surely be equally beneficial for other towns in the empire. If milk and cream were allowed to be sold, why should tea, coffee, and sugar be prevented? Then, with regard to shaving and hair-dressing, these operations were to be made lawful before ten o'clock in the morning, but after ten they were to be prohibited under a penalty. Why should the sale of newspapers be sanctioned on the Sabbath, while that of Bibles, Prayer Books, &c., was prohibited? *Bell's Life in London* might be bought, and people might read, to their great admiration, the betting on the Derby and the Oaks—people might buy that and welcome; but if they wanted to buy a Bible or a Prayer Book, to go to church with, they were prohibited. He hoped that these considerations would attract the attention of those who took an interest in these questions, and that they would see the propriety of reconsidering many of those points which appeared to him to have been hitherto very ill-considered, for he must remind their Lordships that this was only the beginning of these innovations. It was only yesterday that he observed, from the Votes of the House—which was incredible, but true—an Address had actually been voted, and by a large majority too, which was most incredible, if anything could be incredible, that all Post Office proceedings should be suspended for twenty-four hours, and that all mails should be stopped during Sunday. ["No, no!"] Yes; that was the object of the Address.

The Earl of MOUNTCASHELL: That has nothing to do with this Bill.

Lord BROUGHAM: Did the noble Lord suppose he was such an idiot as not to know that? He wondered what was the measure which the noble Lord took o his understanding when he supposed that he did not know that. He knew it was not in this Bill. But his fear was that some measure to that effect would follow this Bill. If a majority of Parliament could be found to pass such a monstrous, such an outrageous, address—he dared to say the noble Lord thought his meaning was that he had the greatest respect for these men. No! What he said was—the utmost possible respect; which meant the utmost respect that it was possible for him to feel for such men; and he believed that was as high as was entertained for them by any one of their Lordships. But if the mails were to be stopped, all ships must be stopped too, he supposed. There would be no occasion for their sailing. They must lay to during Sunday; for some men seemed to think that idleness was the best way of keeping the Sabbath. He must say that if they went on in that course of legislation, instead of keeping the Sabbath-day holy, nothing would tend more to its desecration. He would only state farther, that he had been in many parts of Scotland—he had been in Germany—he had been in many Catholic countries, and he would take upon himself to assert as a fact—after comparing notes with many of his friends who had travelled in these countries, he found they agreed with him—that there was no country in the world where the Sabbath was better kept than in England; and he would do the city where they were met the justice to say, that, except in some of the towns of Scotland, he knew no great city where the Sabbath was less broken than in London.

The Earl of HARROWBY admitted that his noble and learned Friend was anxious to promote the object which he himself had in view, but asserted that his noble and learned Friend would not have used the language which he had used if he had received that information which he (the Earl of Harrowby) had received, and had listened to the complaints made by the tradesmen of the metropolis on this subject to their Lordships' Committee. Many of those who supported his Bill were not engaged in business, and supported it because they wished to go themselves into the country for recreation on Sunday; and because they wished to enable others to have the same opportunity. He could assure his noble and learned Friend, that among the labourers residing in the poorer and lower districts of the metropolis, there was more business done on a Sunday morning than on any other day in the week. Referring to the observations which his noble and learned Friend had offered upon the clause excepting the sale of newspapers and some other matters on the Sunday from the operation of this Bill, he remarked that his desire was to err on the side of indulgence rather than on that of severity. The Bill was intended to put a stop to all that was useless, and to leave room for everything that was necessary. Even the publicans, on whom this Bill appeared to press with some severity by closing their houses till one o'clock on Sunday, had come forward to petition for this Act. He hoped, therefore, that his noble and learned Friend would withdraw his opposition to this Bill, and allow it to rest on its own merits, and not on the merits of another Bill totally unconnected with it. He hoped that his noble and learned Friend would allow him to go into Committee, in order that he might introduce certain clauses to amend the Bill.

The EARL of ELLENBOROUGH said, he was most anxious to prevent the desecration of the Sabbath as far as possible, but he was afraid the present measure was calculated to inspire a spirit of resistance that was likely to do considerable harm. He admitted the great grievance caused by these Sunday fairs; but if they passed this Bill, giving an arbitrary power to the police, under which any single policeman could, at his own discretion, seize any booth in one of these crowded fairs or markets, the probability was, that resistance and breaches of the peace would be the consequence. He had no doubt but that the root of all this evil originated in the late payment of wages on Saturday evenings, and, that if an arrangement were established by which workmen would be paid on Friday night, much of the desecration of the Sabbath which now prevailed would be prevented. When a man was allowed to remain in the public-house until twelve o'clock on Saturday night, and was then prevented from purchasing necessaries, it was obvious that breaches of the Sabbath would take place. He was quite sure that if they went into Committee on this Bill, they would find that considerable amendments were necessary, and that the Bill, as it now stood, would be found very defective.

The BISHOP of ST. ASAPH hoped their Lordships would not suppose that the Bill had been introduced incautiously, and without mature deliberation. It was founded on the Act of Charles II., the difference between the two Bills being, that the present one was to be carried out by the police, whereas the old Act was entrusted to the parish officers. With regard to the alarm of the noble Earl, lest riots should take place, he had only to say that the matter had been submitted to one of the commissioners of police, who stated that he considered there would be no difficulty whatever in carrying the law into effect. He had himself seen one of these fairs two years ago, and a scene more disgraceful and disreputable he had never witnessed. In some parts of Lambeth, Seymour-place, Camden-town, and other places, the thoroughfares were completely obstructed by Sunday morning traffic. He considered that the Bill would prove a blessing to the country, and it should be considered that it only gave the police the same power with regard to obstructions in these fairs which they already possessed in the case of obstructions in the fields.

EARL GREY said, he was disposed to view legislation of this kind with some suspicion, but he thought that a fair case had been made out for this Bill. The great body of the public appeared to be in favour of the Bill, and it was in evidence that many persons opened their shops against their own inclination. With regard to the dangers to be apprehended from the Bill, he thought they would be considerably diminished by its being placed in the hands of the metropolitan police.

The EARL of ST. GERMANS considered that Parliamentary interposition on this subject was absolutely necessary. At present markets or fairs were regularly held on the Sunday in different parts of the metropolis; and this practice was most detrimental, not only to the comfort but to the health of large numbers of tradesmen. There was no doubt as to the feeling of tradesmen on the subject, for in many parts of the metropolis meetings had been held by persons of that class, at which resolutions had been adopted calling upon Parliament to prevent Sunday trading. He considered that nothing was more likely to lead employers to pay their servants' wages on the Friday night or early on the Saturday than the adoption of a measure of this kind.

The EARL of MOUNTCASHELL observed, that this Bill had not originated with the noble Earl by whom it was introduced, but had been suggested by the shopkeepers themselves, and that it had met with no opposition, except from a small section of Chartists.

Their Lordships then went into Committee, and the first clause was agreed to.

On Clause 2,

LORD BROUGHAM did not see why, in the list of perishable articles, the sale of which was to be permitted, cream and butter should not be included. Their Lordships must be aware that Sunday's cream was the produce of Saturday's milk.

The EARL of ELLENBOROUGH observed, that when he had suggested that the sale of bread and butter should be allowed on the Sunday, he was met by the objection that those were not perishable articles. Now, he wished to ask the noble Earl who had charge of the Bill whether he considered a periodical newspaper duly stamped a perishable article ?

The EARL of HARROWBY said, of all perishable articles a newspaper was the most so, for it died with the day.

Clauses agreed to,

House resumed.

Report to be received on Monday next.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Order of the Day for the Second Reading read.

EARL GREY hoped he might be now allowed to call their Lordships' attention to the very great importance of the measure, to the second reading of which he had to ask their Lordships' concurrence. The object of the Bill was to provide for the future government of the colonies of Australia — colonies which were already becoming large and important, and which promised at no distant day to carry the language, the religion, and the civilisation of England over a large portion of the earth. In order that they might fully appreciate the importance of this measure, he thought it right that he should very shortly mention to them the extraordinary progress which these colonies had already made. They were aware that it was very little more than sixty years ago since the oldest of these colonies had been founded, and that for very many years afterwards the colony of New South Wales was merely a gaol or convict prison on a large scale. Van Diemen's Land was not a colony until the commencement of the present century; and the other settlements were all of still more recent date. The first settlers in Western Australia landed in June, 1829. It was not until 1836 that South Australia was founded; while in the great district of Port Phillip the first land sale did not take place until 1838. These settlements had increased both in the wealth and number of the inhabitants, who now amounted to about 300,000 persons. But what was still more remarkable was the progress that had been made during the last twenty years. He held in his hand a return of the population of these colonies for the several periods of 1828, 1838, and 1848. He found that in 1828 the whole population of the British Australian colonies was only 53,500 persons. In 1838 the number had risen to 145,600; and in 1848 it had risen to no less than 333,910. The best test which they had of the wealth of the colonies was afforded by the exports, as the imports were partly fallacious, owing to the amount of necessaries required for the convicts and the Government establishments. He found that in 1828 the exports from New South Wales and Van Diemen's Land, the only two of the colonies then in existence, were 181,500*l.* In 1848, after an interval of twenty years, the exports had increased in value to 2,800,000*l.*, or, in other words, considerably above fifteen fold in twenty years. It was also rather a remarkable fact that the whole population of New South Wales, in 1828, was 36,600, and that in the year 1849, which had just concluded, the number of emigrants who left the shores of this country for the Australian colonies, was no less than 32,000, or actually within 4,000 of the whole population twenty years before. He was sure that these facts would make their Lordships feel still more strongly the importance of a measure which was intended to promote the rapid progress of these colonies in the career of prosperity and advancement which they so steadily pursued, and which was designed to supply not merely the actual wants of the existing state of society in the colonies, but also to provide a constitutional government suited to the future condition of these rapidly growing States, and calculated to meet the wants of societies tending daily to become more numerous and more complex. It was the object of this Bill to endeavour to provide for the good government of these colonies. That being so, it became now his duty to point out to their Lordships the nature of the provisions by which it was intended that that object should be accomplished. In doing so, he wished in the first place to observe, that it was the leading principle of this measure to avoid any great or experimental change. It sought to build—if he might use the expression—on the existing foundations, institutions suited to the wants of the colonies, and which they did not already possess. They were aware, that for a considerable period after the colonies were first established, no regular legal authority or government whatever existed. In fact they were governed by the absolute authority of the governors, just as gaols or prisons would be. Parliament more than once passed Acts to legalise the resolutions of those by whom authority in the colonies was exercised. It was not until 1824 that a more regular form was given to the Government. In that year, Lord Bathurst being Secretrry of State for the Colonies, an Act was passed creating a regular legislative body and jurisdiction in those colonies; and in 1828 this Act was amended by Mr. Huskisson, and subsequent Acts have been passed relating to those colonies. The principle of those different Acts, which have always been temporary, has been to confer legislative authority on the governors, assisted by a council nominated by the Crown. Such was the form of government established which still exists in all those colonies, excepting New South Wales. With regard to New South Wales, the noble Lord opposite (Lord Stanley), in 1842, brought in a Bill which obtained the sanction of Parliament, by which the constitution of the Legislative Council was altered, being composed of two-thirds elective members, and one-third nominated by the Crown. Though this was a government in which in theory it would be easy to point out many objectionable features, still, upon the whole, he thought it would not be denied that, practically, it had not worked in a manner otherwise than satisfactory; and experience had proved that it was not ill adapted to the state of society which existed in the colony. Such being the case, it appeared to him to be an obvious rule of prudence that they should not make any great or violent changes in a system which they found thus established. The working of a constitutional government depended so infinitely more upon its being understood and appreciated by those among whom it was established, than upon the abstract perfection of the different arrangements, and we had seen so much of late years of the manner in which paper constitutions had been swept away, that it would not be prudent to disturb arrangements which on the whole worked well, further than to correct any defects or evils which experience might have pointed out, maintaining at the same time the main features of the system. Such was the principle of the Bill which he now presented to their Lordships. Adopting this course with respect to New South Wales, it seemed to him to follow almost as a matter of course that they should extend the same system to the adjoining colonies; or, to use the words of Sir William Denison, in one of the despatches on their Lordships' table—

> "The reasons for doing so may be summed up in the simple fact, that this form of government is established in New South Wales, and that the Australian colonies are so identified with each other, as far as the practical habits of the people are concerned, as to make any changes in the existing system of administration applied to one colony a matter of very doubtful policy."

This seemed to him a good summary of the reasons for extending to the adjoining colonies the system established in New South Wales, and accordingly they proposed that the same course should be taken in their case; that was, the existing legislative councils would be invested with the power of making electoral districts, and taking all the necessary arrangements for bringing the new system into operation; and when these were completed, legislative councils would be summoned, two-thirds of the members of which would be elected by the inhabitants of the colony, and the remaining third nominated by the Crown. There was an additional reason for taking this course. When legislative institutions had been once granted by Parliament to a colony, it was very inexpedient, unless some strong reason existed, that those institutions should be altered without the express and declared consent of the inhabitants themselves; and the papers on their Lordships' table showed that this feeling existed very strongly. Having a constitution, and finding it to work on the whole satisfactorily, they wished no essential change to be made without their own concurrence. It was proposed, however, to correct some faults which experience seemed to have brought to light in the existing arrangements with respect to New South Wales. Of those defects he thought by far the most important was, that there was included under one government and legislature a vast extent of territory, different parts of which presented in many respects distinct interests. Almost from the passing of the Act of 1842, this became a subject of complaint. At the first election for Port Phillip district, one or two members were returned for the legislative council after a short period of residence; but it was soon found that in those infant communities there were not persons possessing the time and wealth to be able to reside for months in the year at a distance from their now concerns. The consequence was, that members representing certain districts in the Legislative Council of Port Phillip, resigned; and at the end of 1845—the measure having only come into operation in 1843—the inhabitants complained that they could find no one of their own body who would consent to make a sacrifice in order to represent them in the council, and they consequently had been compelled to choose the whole six members whom they were entitled to return, from persons resident in the other division of the colony. They complained that the result of this was, that their interests were very inadequately attended to, and, therefore, prayed for the division of the colony. In the first instance this prayer for the division of the colony met with great resistance in New South Wales; but after a time the grievance was found to be so substantial a one that all parties were pretty generally agreed that it ought to be redressed. Accordingly, one of the principal provisions included in the Bill on the table, was for separating the district of Port Phillip from New South Wales, and constituting it into a colony by itself under the name of Victoria. The Bill further contained a clause enabling Her Majesty, on the petition of the inhabitants, to divide from New South Wales the district of Moreton Bay, lying as far to the north as Port Phillip did to the south. This district, of which Brisbane was the capital, was rapidly rising into importance, and no doubt would soon be inhabited by a very large and thriving population. Her Majesty was therefore empowered, by Order in Council, to separate from the colony of New South Wales the territory north of the 30th degree of latitude, being an extension of the existing law, under which Her Majesty was enabled to separate the territory north of the 26th degree. It was another objection to the Act of 1842, that it contained some provisions which were practically a dead letter. He alluded to those relating to the formation of district councils, empowered to administer various local affairs, and provide for the expense of levying rates and assessments. The able and energetic officer who then presided over the Government of New South Wales (he alluded to the lamented Sir George Gipps), found it impossible to bring those clauses into practical operation; and the noble Lord opposite, then Secretary of State, acquiesced in their being allowed to remain in abeyance. He thought it obvious that any part of an Act of Parliament which it was found impossible practically to enforce, ought for that reason, if for none other, to be repealed. At the same time, the more experience we had, the stronger seemed our reasons for believing that some system of municipal institutions, some local organisation, was almost essential for the well-working of any form of representative government; and it was of great importance that, as speedily as possible, arrangements should be made which should prevent the concentration of all powers in the central legislature of those colonies, and give them the benefit of municipal institutions. It had been the opinion of some of the most profound writers on political questions, and the best observers of our own constitution, that much of the vitality of that constitution, by which it had been enabled to come to maturity through many centuries, and maintain itself through all the difficulties and dangers of this long period, was attributable to the way in which the inhabitants of this country had been trained to the duties of self-government by the management of their own local affairs in their counties, towns, and parishes. In America also, the first settlers of the United States carried with them a similar system from this country; and one cause of the prosperity of that great nation might be traced to the effect of those institutions in preparing the people for the exercise of the duties of entire self-government which devolved upon them after their separation from this country; and it was mainly owing to this that they had presented so different an aspect from the Spanish colonies, which, upon the dissolution of the tie that bound them to the mother country, had proved so unequal to the task of maintaining order and a well-regulated system of government. He thought, however, it would be highly inexpedient that the clauses on this subject in the existing Act should be simply repealed, and that was not the course they proposed. The Bill provided that the district councils should come into operation only on the petition of the inhabitants of the district to be placed under their authority. In this particular they followed, as closely as possible, the example of this country. Their Lordships were aware that the charters of our corporate towns were issued by the ancient Sovereigns of this country upon the petition of their inhabitants; and the form which they bore was almost invariably to recite such petitions as had been made to the Sovereign. In the Municipal Reform Act of 1835 this principle was adhered to, and the Crown was empowered to grant charters, on the prayer of the peaceable inhabitants of the town, giving authority to levy rates. In the same manner the colonial governors would be authorised to issue charters to those districts which might apply for them; and he believed that this mode of proceeding would do much to remove the objections felt in New South Wales to such charters. There was something in the nature of Englishmen which made them a good deal easier to lead than to drive; and he believed the positive provision of the Act of Parliament, that such charters should issue, rather created an indisposition to avail themselves of their advantages. But this was by no means the whole extent of their propositions. The existing law required that half the expense of the police should be paid by rates levied on the inhabitants, and also provided that the property of the Crown should be liable to no rates or assessments whatever, the local legislature having no power whatever of interfering or modifying those enactments. In New South Wales the country was very partially occupied, settlers having obtained by grant or purchase the best land over a very great extent of territory, with considerable tracts which still remained the property of the Crown. The charge for the police, roads, and local institutions, being thus defrayed entirely by rates levied on lands alienated from the Crown, fell with great severity on the actual settlers, whilst the benefit to be derived from them was conferred on land in which they had no interest, and which might afterwards be purchased by other individuals. He believed this had been one of the main obstacles to the success of the existing Act of Parliament, and it was proposed to repeal the provisions of the Act which made it binding on the settlers to defray half the charge of the police by rates. He believed it was more judicious and fair, in the actual state of things, that the police should be a charge on the revenue. It was also proposed to give power to the local legislatures to modify, in any manner they might deem expedient, the constitution and character of those bodies. There was also, subsidiary to those provisions, another to which he attached very great importance. Their Lordships were aware of the difficulty of levying rates except in the towns and the old settled portions of the colony. It was proposed to meet this by an arrangement to transfer the appropriation of the revenue derived from the sale of land to those district councils as soon as they should be established. By the existing Land Sales Act, half the proceeds of the sales was to be applied exclusively in aid of emigration from the united kingdom, the residue being set apart for expenses connected with the survey, and the welfare of the aborigines, and other necessary charges. Afterwards, it was intended that those receipts should be applicable to the construction of roads and bridges, and the building of schools and gaols, and for other works necessary on the occupation of a new territory, under the regulation of the district councils. He anticipated that great advantages would arise from this regulation. First, he had always held that the main object of the law which required that land should be sold at a comparatively high price, and not alienated in grants, was not to raise the price, but to transfer the possession of it to such persons as would turn it comparatively to the best advantage. Experience proved that if land were sold at a comparatively low rate, it was generally engrossed by persons who in the colony bore the name of land-sharks. These persons acquired, by one means or another, large districts, upon the speculation that the lapse of years and growth of population would turn them to great account. There was a sort of greed for land in colonies which he believed there was no effectual mode of dealing with, except by placing it at a high price, or subjecting it to very high rates. In America the best land was liable to very heavy rates; but in Australia insurmountable objections were entertained, for the present, at least, to rates. This being the object of the system of selling land, it seemed to him highly desirable that a settler purchasing land should obtain the full value of his money. That portion of the price of land expended on emigration, was undoubtedly thus returned to the settler; for it was population, and population only, which gave value to land in those countries. The money spent on bridges, roads, and public works, was no less directly returned to the settler; and he had no doubt but the purchaser who bought his land at a pound per acre, that pound being spent in the manner he had described, would buy it more cheaply than if he paid 2*d.* an acre for it, with a general scramble. There had been, from the establishment of a free constitution in New South Wales, a constant struggle on the part of the legislative council against the appropriation of the proceeds of the land sales by authority of the Government. They had always contended, and with a considerable show of justice, that it was alien to the whole genius of representative government that so very large a revenue should be spent on objects over which they had no control whatever, by the mere authority of the Lords of the Treasury. But whilst he agreed that this was a grievance, he was also strongly of opinion that it would not be remedied by simply transferring the power of disposing of those funds to the central legislature. It was where the land sales had taken place that the proceeds of them should be expended for the benefit of the inhabitants of those wild districts—the first pioneers of civilisation—the bold and enterprising men who faced difficulties and privations in uncultivated deserts. They would thus also obtain the contingent advantage of removing the main obstacle to the erection of municipal districts in the colony, and hold out a strong inducement to the inhabitants to petition for the grant of charters. This was the recommendation of the Committee of Council, to which the subject of a constitution for Australia was referred. There was, however, no provision to this effect in the present Bill, because none was necessary, and it would be exceedingly difficult to frame any clause for carrying the arrangement into effect conditionally, or the formation of councils; and under the Land Sales Act there was ample power vested in the Government to carry the arrangement into effect. The Lords of the Treasury could authorise the governors to transfer those funds into the hands of the district councils, as soon as they were formed, and instructions to that effect would be issued. The next defect in the existing arrangements which had attracted much notice, regarded the expenditure of New South Wales. By the Act of 1842, no less a sum than 81,600*l.* out of the total revenues arising from taxation, less than 300,000*l.* in all, was placed entirely beyond the control of the Legislature, being devoted to the support of religion and to different purposes of the civil government. From the first existence of representative institutions in those colonies, this had furnished a subject of complaint, and he could not but think with considerable foundation in reason. Accordingly they proposed by this Bill to empower the local legislatures tn deal with the whole proceeds of the taxes, reserving certain items which could not be interfered with. The principle on which the Bill proceeded was to settle a very considerable portion of the expenses of the Government upon the revenue, in a manner unalterable, except by acts of the whole legislature, to which, of course, the Crown must be a party. This would be analogous to the charges on the Consolidated Fund in this country, as distinguished from those which were annually voted on the estimates. The colonial legislature was not to be at liberty to alter the salaries of judges during the tenure of office of the existing judges. This showed the soundness of the principle for which Government contended in its dispute with Guiana and Jamaica. Even with respect to future judges, and also appropriations for the support of religious worship, the governor was not to be at liberty to assent to any Acts which might be passed by the colonial legislature, but would be bound to reserve them for the consideration of the Home Government. He thought it essential, for the future peace and good government of these colonies, that the Executive Government should have the power of refusing its assent to hasty and inconsiderate reduction; but at the same time he was quite prepared to allow that a very wide discretion should be left to the representatives of the colonists in the local legislatures, subject to its qualification, that, as regarded the allowances of judges and public servants, respect should be paid to existing interests. He was convinced that to respect existing interests, would be found in the end the best economy for the colonists themselves. He thought, also, that the Crown ought not to consent to allow any of the more important salaries to be transferred, even after the expiration of existing interests, from permanent charges to annual estimates. In amending the Act as to New South Wales, he proposed to extend the same system to all these colonies; but with regard to Western

Australia, he should observe that the operation of this Bill was made contingent on that colony being prepared to meet the expenses of its civil government. He thought there could be no doubt of the justice of the principle that the advantages of self-government should be granted only when there was a disposition to undertake the burdens accompanying them. Another important provision was for the establishment of a general assembly for the Australian colonies, thus providing the machinery by which the inhabitants of those vast territories would be enabled to meet and combine for common objects. It was a curious circumstance that in the former history of our American colonies, the necessity of furnishing a general assembly was felt, even before the breaking out of those disturbances which ended in a revolution. So long ago as the year 1754, a sort of voluntary congress was called together; and the celebrated Dr. Franklin prepared a plan for giving greater regularity of form to that assembly. His own belief was, that if a regular congress had been at that time created, far from having had the effect which those who promoted the scheme expected, of hastening the period of the separation from the mother country, it might have been the means of averting that which afterwards took place, or at all events of giving it a manner less repulsive than that which produced a disastrous and expensive war. His belief was, that if on the one hand such a policy had been adopted with regard to those colonies, the Home Government would not have taken an unreasonable and violent course, which could lead to nothing but separation; and, upon the other hand, if they had been ruled upon a system of moderation and wisdom, all motive for separation upon their part would have been taken away. But be this as it might, he was persuaded that a necessity existed for the creation of some such joint authority. It might not, however, come into immediate operation, and upon the whole he was inclined to think it would not; for some considerable period must elapse before the necessity became so strong as to overrule all the local interests, prejudices, and passions, which, in the first instance, he knew would be arrayed against any such scheme of union; but in the nature of things no very great length of time would pass by before circumstances would cause such a system to come into operation. It was highly desirable, therefore, that Parliament should now provide for a necessity thus foreseen. At the same time, whilst it was desirable that this necessity should be provided for, it was equally right that the formation of any such general assembly should not be rendered imperative upon the colonies. For the same reason that he had stated with respect to the district councils, he believed that prescribing such an assembly, and making it imperative, would rather tend to create resistance; and it was, therefore, proposed by the Bill that it should be entirely voluntary. All that was proposed was, that Her Majesty should be empowered to commission the governor of one of the colonies, as Governor General of Australia; and the officer so commissioned would be enabled, upon receiving an address from two or more colonies, to call together an assembly with authority to legislate upon certain points for those colonies which concurred in the address. This was the extent of the provision; and he trusted that the House would see the propriety of sanctioning it. The Bill contained one provision of a novel character, as compared with the Act of 1842, to which it was necessary he should call attention. It was the clause which enabled the legislatures it was proposed to create, to be enabled to make, if they thought fit, subject to certain conditions, changes in their new constitution. He was fully aware of the importance of such a clause; but, without it, he had no hesitation in saying that the Bill was most materially imperfect. [Lord STANLEY: Hear, hear!] The noble Lord cheered the expression, by which no doubt he meant the opinion that such a provision was novel in its character; but he would find the same view and the same opinion most distinctly expressed in the report upon which the Bill was founded. He (Earl Grey) adhered to the opinion for this reason—that whilst the form of government now existing in New South Wales, which it was proposed to extend to the other colonies, was well adapted to the existing state of society in those colonies, he could not doubt they were advancing with giant steps in wealth and population—that society was becoming every day more numerous, more comfortable, and more wealthy; so that no long time could elapse before it would be necessary to modify the arrangements to the growing wants of such a growing society. He firmly believed that the power of making these modifications might safely be left to the colonies themselves. When free institutions had been once recognised in the colonies, they ought not to be lightly altered by Parliament without the desire and sanction of the local legislatures. Reforms should not be pressed upon them unless they were absolutely required. Party considerations might have influence at home; and there were many reasons why the intervention of Parliament to effect such modifications as might be required from time to time, might, in the highest degree, be inconvenient and imprudent. But Parliament, he thought, should retain a check over such alterations, and the Bill was drawn in such a manner as to maintain that principle. It was provided, for example, by one of the clauses, that no Bills making constitutional changes should come into operation at once by the assent of the governors. The governors would be bound to reserve them for the express signification of Her Majesty's pleasure; and Her Majesty was not empowered to signify Her pleasure until the Bills had lain for thirty days upon the tables of both Houses of Parliament.

Lord STANLEY asked what power of interference either House would have under such circumstances?

Earl GREY replied, the same power which the House of Parliament now had of interfering upon every subject disposed of by Her Majesty, with the advice of Her constitutional advisers. They would have the power of interposing a check by an address to the Crown. [Lord Stanley: Oh, oh!] The noble Lord might think that mode of intervention insufficient; but, in his opinion, it would be ample, and it ought not to be carried further. He had already urged that modifications of constitutional arrangements could best be made in the colonies themselves, and this was obvious from the clear impossibility of Parliament being able to judge so well as the colonists themselves upon what the wants of society might be. And this inconvience would be specially felt—that the distance of the colonies, and the length of time required for communication with them, rendered it quite impracticable for modifications of the constitution to be decided here without great danger. But if he entertained this opinion originally, at the time when he concurred in the report of the Committee of Council upon which the Bill was founded, his views had been greatly strengthened by recent proceedings since the measure had been under the consideration of Parliament. He could not but perceive that even among those who were the greatest sticklers for what they called colonial self-government, there was a great disposition —with regard to the manner in which self-government should be carried on, and the form of institution under which it should be worked—to impose their own peculiar theories (he might almost say their own peculiar crotchets), upon the colonies, with extremely little reference to the wishes and opinions of their inhabitants. He had now completed what he feared had been a somewhat tedious explanation of the main provisions of this important measure; and he had, before he concluded, but little more to add, except that he felt himself justified in assuring the House that the Bill had been accepted in the colonies with a proportion and degree of general assent far beyond what he had ventured to anticipate. Their Lordships were aware it followed very closely, indeed, the recommendations in the report of the Committee of Privy Council, which was laid upon the table last year. That report, and the Bill itself (which had been before the other House of Parliament last year), had been sent to the colonies and there published. They naturally excited a very great amount of discussion and much interest among all classes; and he was enabled to assure the House, from a careful examination (as far as it was possible to judge) of public opinion in all the usual modes of ascertaining it—from the proceedings at public meetings, and the language of newspapers in the greatest circulation, that in general the measure had met with almost unanimous approbation. It was true that upon various points contained in it, there had been differences of opinion. Some had recommended alterations in one direction, and some in another; but, taking the measure as a whole, he was authorised to state that it had been received with general satisfaction. It had not been less well received by persons in this country who were closely connected with the Australian colonies. The petition he had that night presented, which was precisely similar to another presented to the other House, was signed by all, he might say, of the most eminent mercantile firms engaged in the Australian trade. At all events, it was signed by a large number of persons deeply interested in the prosperity of those colonies; and those petitions had been called forth by apprehensions, from some proceedings in the other House, that the Bill might not pass in its present shape. The prayer of the petitions was, that the Bill, as it now stood before their Lordships, might pass into a law. That they would assent to this prayer from such a body, he would not for a moment permit himself to doubt. He was convinced, if they now read the Bill the second time—and he knew the second reading was not to be opposed—they would likewise pass its details without any alterations affecting its principle. He was sure, too, they would enter upon the discussion of its details with an anxious desire to promote the efficiency of the Bill; and that, in its main principle, it would become law, he could not bring himself to doubt. By so passing it, he confidently and earnestly hoped that, with the favour of Providence, they would be providing for the unborn millions who, in future ages, were, no doubt, destined to people the wide-spread regions of Australia, still unoccupied by civilised man, and secure to them the blessings of order and well-regulated freedom, to be by them long enjoyed under the protection of the British flag, and as subjects of the British Crown.

EARL FITZWILLIAM, in allusion to the remark of the noble Earl that it was better that important subjects should be discussed in a thin House, and that they could then be better discussed than when their Lordships' benches were filled, said that undoubtedly the noble Earl could have had no better House than that now assembled in which to unfold this great measure. [*There were less than twenty Members present.*] In his opinion, this was the most important measure that had ever been submitted to this reformed Parliament; and he said "reformed Parliament," because be believed that reform was so important that now, viewed in its results, and in what had passed elsewhere, it was evidently a necessary revolution rather than an Act of Parliament. But, with that single exception, of all the Acts in which this British Parliament could be engaged, there could be none more important than the discussion of the measure so ably and so candidly unfolded to their Lordships by the noble Earl. He agreed with the noble Earl that it was a measure calculated to lay the foundation of free government for millions yet unborn of the Anglo-Saxon race; and he rejoiced to see those foundations laid in these distant regions; but he must, at the same time, express his deep regret that the Bill was not framed in some respects in a different manner. He should have thought, from the manner in which the noble Earl concluded his speech, that the measure should not have been submitted to Parliament in what seemed to him to be an imperfect form; but he considered that it was the duty of Her Majesty's Ministers to have rendered the measure as perfect as was possible. Their Lordships were told that there was no opposition to be made to the second reading of this Bill; and he undoubtedly agreed with its principle, if that was merely the giving of free institutions to our brethren in the southern hemisphere; but he altogether condemned such a mode of discussing the principle of a measure, as the most unphilosophic he could conceive. He could not discover the principle of a measure from its details, although it was by the details that life and vitality were given to the principle. There was one point to which he must allude—one which the noble Earl had kept out of sight as much as possible. Did the noble Earl think it was the perfection of wisdom and of British legislation to establish a constitution in New South Wales, of the successful establishment of which we had no example in the civilised world? What the noble Earl designed to establish in New South Wales was neither more nor less than "a constituent assembly." He was not about to form an assembly to govern the country, but a "constituent assembly," out of which he hopes, by some means or other, a better constitution may be formed by the colonists themselves. If they looked around them, east or west, north or south; if they searched the pages of ancient history, or the records of modern instances, they would not find one single country which had over enjoyed outward peace, internal tranquillity, or prosperity under such a government. If they went to the American republic, they would find there that congress consisted of two houses; and in every individual State in that republic, the same principle was repeated. There was nothing like the system proposed by the noble Earl anywhere now in existence, or ever had been in past times. The noble Earl had shadowed forth some sort of an argument on the ground that it was not advisable to change the institutions now existing in the country; and if those institutions were coeval with its existence he could have understood it; but little more than seven years had elapsed since the present Government was established, as the noble Lord opposite (Lord Stanley) could attest. If the persons who framed this Bill had not possessed minds capable of taking a wide and farseeing view of the question, he should not, perhaps, have been so much surprised at the numerous apologies with which it was ushered in. Those apologies proved that the framers of the Bill were conscious of the imperfections of their own work. They said that there were no materials for a second chamber. He admitted that there were not materials for an hereditary Peerage, like that of the House of Lords in this country, in a community which had only existed sixty years; but that was no proof that a second chamber might not have been established another way. He looked upon this "constituent assembly" with great jealousy and alarm. He did not very much care whether it succeeded or whether it failed—in either case it would be equally bad. If it failed, it annihilated one moral influence in the colonies. It was not desirable to launch these youthful communities as self-governing States, and then to have them coming back to the parent country to complain of our giving them a bad constitution. That was not the way to increase or even to perpetuate their attachment to this country. He liked as little what might be called "success"—a term in respect to the meaning of which he might probably differ with many. If this "constituent assembly" governed that country well, there were those in this country who would immediately be for trying a little experiment here. Thus he liked neither alternative, and was alike fearful of success or failure. Another part of this Bill he considered a great error—he alluded to those clauses which related to the formation of electoral divisions. They ought most certainly to begin with the system matured by this country, and have had two members, and two only, for each electoral division. There were evident misgivings also, on the part of Government, with respect to the conduct of the "constituent assembly;" and he agreed with them in thinking there were good grounds for such misgivings. The consequence was, that they had provided that one-third of the total number should be nominated by the Crown. This was, however, a most objectionable expedient. There would be two elements in the assembly, the popular and the governmental; and the elective and the nominative parts would thus be in opposition. How much better at once to have another chamber, for the purpose of counteracting, if need be, the popular influence! The great advantage of a second chamber was to prevent hasty legislation. The great advantage of their Lordships' House was, that it operated as a sort of drag on the other House of Parliament, and prevented its going faster than was consistent with safety. If that were found advantageous, and, indeed, necessary here, *à fortiori* it would be equally advantageous and necessary there. It was not, however, that their Lordships' power of throwing out Bills passed by the other House constituted their greatest benefit to the country. Public opinion changed rapidly, and, although the House of Commons might be acting in accordance with public opinion in February, their Lordships, if public opinion changed, might reject that Bill in May; and thus the public opinion always had time to get rid of its first ill-considered and crude notions. If they looked at what had taken place in France during the last two years, they would find that every man in that country, whose opinion any man here would value, voted in favour of the double chamber. That was a strong point in favour of his argument. It would appear an extraordinary specimen of legislation if England should proceed deliberately to establish that in her colonies which she condemned, and which every civilised nation, whether a royalty or a republic, repudiated. He did not object to the second reading, as he approved of the measure generally. He trusted, however, their Lordships would give these particular details the fullest consideration, and, notwithstanding the expectation expressed by the noble Earl at the conclusion of his speech, he trusted the House would not be deterred from amending the Bill in those particulars, for it would not be safe to send out the Bill unamended. Such a course, he was satisfied, would be a dangerous experiment.

Lord MONTEAGLE, whilst he agreed with his noble Friend who had just sat down, that the principle as well as the details of the measure before the House were most important, could not forbear admiring, in the speech of his noble Friend, the frankness with which he admitted the importance of the Bill, and yet manifested an admirable dexterity and a resolute determination to exclude from consideration all the difficulties of the subject. His noble Friend had opened the Bill as a great measure of imperial legislation, which was to develop views of colonial policy now for the first time, realised. But those who heard his noble Friend's speech must admit that rarely had more ability been exercised for the purpose of explaining what by his own description would appear but a very common-place measure. His noble Friend had endeavoured to justify his shortcomings by a determination to avoid changes, and to stand in the "old ways;" but this part of his noble Friend's argument was inconsistent with his enunciation of principle, in which he pointed out the necessity of abandoning those "old ways." This contradiction could not be reconciled. If his noble Friend was desirous of adhering to the old system, he had at least a singular mode of doing so. It was extraordinary, too, that he should now, in 1850, find out the necessity of holding to a legislature consisting of a single chamber, when, in his capacity of Colonial Secretary in 1847, he had recommended, and even endeavoured, to enforce the establishment of a double chamber. His noble Friend had also given a constitution to New Zealand, in which he introduced the principle of two chambers; and even in the present Session he adhered to the same principle in relation to another colony, the Cape. Why then abandon it in the present Bill? The noble Lord then challenged the Government to produce any successful precedent in colonial history colonies for such a constitution as this. When the measure was postponed last year, he was in hopes that if the Bill were again introduced in the same form, some local approval or authority might have been brought forward in its favour. But all those who were best acquainted with the facts, were opposed to this most dangerous scheme. What were the despatches from Van Diemen's Land, New South Wales, and South Australia? Was Sir William Denison in its favour, or Sir Charles Fitzroy, or Sir Henry Young? No one person of the slightest authority had declared in favour of the Bill. His noble Friend, in recommendation of his proposal, had, indeed, alluded to the unanimity which prevailed on its behalf among the Australian newspapers: it was most disinterested, though somewhat strange, that the noble Lord should rely upon such authority; for those very newspapers were filled with vituperation against his noble Friend and his principles of colonial policy, and with reports of meetings of colonists, at which resolutions were passed equally condemnatory of the Government and of their mode of dealing with our dependencies. He (Lord Monteagle) denied the impossibility of finding materials for a second chamber in the colony of New South Wales, or Victoria, and argued that if the best and most respectable persons were elected by their brother colonists, they would have infinitely more weight and influence than they now possessed, as mere nominees of the Government. The condition of the Australian colonies was now very different from what it had been but a few years since; the proportion between the convicts and the other classes of the population was greatly changed. A few years back the proportion between the bond and the free, was 35 per cent of the population. It is now but 5 or 6. Persons of high character and of good family and education are now resident in Australia; the materials for an electoral second chamber could be found if the Government desired to seek them. Such must have been his noble Friend's opinion in 1847, when he himself proposed a double chamber. The facility is greater, in 1850. Nor was he liable to be reproached with inconsistency, in maintaining this opinion. It was true that he had supported the Bill of 1842, introduced by his noble Friend, Lord Stanley, because in the state of the Australian population, eight years ago, he was of opinion that that Act was the best measure that could then be passed, and that it would become the foundation of a better measure at a future period. That period had arrived. Could it be denied that Australia, considering the increase of its population, its exports, and commercial prosperity, was not as capable of furnishing materials for two chambers as the infant State of California? and yet the experience of the United States had led to the adoption of a double chamber even among the gold diggers of San Francisco. Another point which the noble Earl had conveniently evaded was the state of the franchise, which in New South Wales was most unjust and most unsatisfactory. He had lately presented a petition to that effect, and, on that occasion, had obtained an admission from the noble Earl that the complaint of the petitioners was well founded. The franchise had been based upon an exaggerated idea of the value of colonial property, which had since been greatly depreciated. Yet it was to a council returned by so imperfect a constituency that an unlimited power of making constitutional changes was to be entrusted. He would press his noble Friend to answer one simple question: Supposing that the Government nominees were defeated in the council, and that the colonists were to adopt a constitution without nominees, and based upon a single democratic chamber, how would he act? [Earl GREY: They could not do so.] He (Lord Monteagle), on the contrary, contended that, under Section 35, they had the full power of doing so. But if the case were otherwise, and the council were intended to be restrained in this particular, it would be evident his noble Friend had a distrust of his own constituent assembly, for he appeared to deem it so probable they would go wrong, that he placed these restrictions on them. The question of disposing of the waste lands of the colony was one upon which the greatest anxiety was felt, and he wished to know why the Government had changed their minds upon that subject. In 1849, and even in the present Session, they had proposed to leave this power to a local authority. Why had they changed their intention? How could they reconcile their inconsistency, when, after affirming in the most unqualified manner the doctrine of self-government, they now denied to Australia that privilege in a matter in which, of all others, it was the most important? It was proposed to make the municipal institutions the means of applying the funds received from land sales; this was founded on an expressed mistrust of the Legislative Council; but if his noble Friend distrusted the central authority, as he seemed to do, and would neither confide to his legislative councils nor to his general assembly a control over the land fund, how was he justified in "permitting" that land revenue to be appropriated for roads and bridges by the municipal institutions? If the colonial legislatures were unequal to make their own roads and bridges, they surely ought not to be trusted with the more difficult task of framing a new constitution. The 35th clause gave the constituent assembly an unlimited power of altering the construction of the council: there was not one word of restraint in it which would prevent their exclusion of the nominees of the Crown, and their creation of a complete democracy. He objected to the power so given to the colonists, of making a democratic constitution for themselves. He objected to the power, because he believed that such a government by a single chamber was inconsistent with good government and sound legislation. His noble Friend denied that the Bill created such an authority; but he reasserted it, and therefore he wished to see words introduced in the Bill restricting them from so doing. The Government had been asked in another place whether they would refuse the Royal assent to such a democratic constitution; but they gave no answer. The noble Lord concluded by giving notice of an Amendment in Committee, to provide that there should be in each of the colonies of New South Wales and Victoria a legislative council as well as a representative assembly, for the purpose of bringing the question of a single or a double chamber fairly before their Lordships.

EARL GRANVILLE said, that after the lucid statement of his noble Friend, it would be unnecessary for him to occupy much of the time of their Lordships; and as it was understood that no division should take place on the second reading, he should content himself with offering one or two remarks upon the objections which had been urged by the two noble Lords against the Bill. The first objection was, that the legislative council to be created by the Bill was nothing more than a constituent assembly. Now he apprehended that a constituent assembly had been generally appointed for a limited period, and the only analogy between such an assembly and the legislative council contained in this Bill, was, that Her Majesty's Government proposed to give to the colonial legislature that power which the Legislature of this country themselves exercised in amending their constitution, and adapting it to the growing wants and requirements of the country. The next objection was, that the legislative power was to exist in one assembly instead of an upper and a lower house. No one, at least in that House, would deny the great advantages of a House of Lords; and he believed that there was hardly a man in this country, or on the whole continent of Europe, who would deny that the House of Lords was a firm component part of the constitution of the British empire. If wealth, leisure, and historical associations had been found to the same extent in Australia as in this country, the Government, having their hands unfettered, would, without hesitation, have given to the colonists a constitution comprising two chambers. But the same analogies and associations were not there to be found. In 1842 a constitution was given to New South Wales, consisting of one chamber only; and he had never heard that there was any understanding on the part of either the Government or the colonists that the duration of that chamber was to be only temporary and limited. In giving a constitution to such a colony, it was of great importance to shape it in accordance with their wishes, and not to force upon them something which might be theoretically more perfect. The Bill was founded upon the recommendations of the Committee of Privy Council, to which the matter had been referred; and he did not know of any objections that had been urged at the time against those recommendations. As for the elective franchise, it was deemed desirable to leave that to be dealt with by the local legislatures, instead of sending out a specific form to be adopted. With regard to the Amendment of which the noble Lord (Lord Monteagle) had given notice, it would be premature then for him to go into the principles involved in them; but he had no doubt when the proper time came, he should be able to show sufficient reasons to induce the House not to sanction them. He would only add that the Government, in proceeding with that Bill, thought it was better to give the inhabitants of New South Wales that with which they were acquainted and were now satisfied, than to force upon them a constitution against which they might entertain the strongest objections.

Lord WODEHOUSE wished, as this was a question which affected the whole of our colonial empire, to make a few observations on it. This measure was the turning point of our colonial legislation. This was the first time on which they were called upon to discuss the principles by which must be regulated the relations of the colonies with the mother country; and they should well consider whether these principles tended to the promotion of mutual goodwill and to the extension of the mutual interests of both. The problem which they had to solve was, how to reconcile colonial freedom with the Imperial Supremacy. Now, they were all agreed that the colonies were entitled to a certain control over their local affairs, and that all colonies, the inhabitants of which were of British origin, were entitled to representative assemblies. It was a matter of satisfaction to hear the noble Earl, on the part of the Government, enunciate such sound and liberal principles of colonial government as he had on that night, and it was calculated to produce a very good effect on the minds of the colonists. But if they were not followed up in practice, the disappointment would be productive of the greatest harm; and he feared that the present measure would by no means realise the expectations that might be excited by the enunciation of those sound and liberal principles. Although he cordially agreed in the principle of the Bill, as far as it proposed to give a constitution to the Australian colonies, he objected to some of the provisions in it, as not laying the foundation of a wise and safe government in these colonies. It might be said that the British Parliament should not take upon itself the responsibility of legislating for these colonies, as it was not acquainted with all the local circumstances affecting the question; and that it therefore would be better to leave it to the colonists to form constitutions for themselves. This would be at least a consistent course: if, however, they took upon themselves the responsibility of sending out a constitution ready prepared, they were bound to perform the task in the best possible manner. In his opinion, the British Parliament ought to establish the ground-work of constitutions for those distant countries, and having marked out the general principles, ought to leave the colonists to modify them, and fill up the details as they might best adapt them to their peculiar circumstances. It was proposed to give as a constitution a single chamber, composed of two-thirds elected members, and one-third Government nominees; just such an assembly as the House of Commons would be, if about 220 Members were nominated by the Government. It was also proposed to extend similar institutions to the four other Australian colonies. If they looked to France and other neighbouring States which had had only single chambers for their legislatures, he did not conceive that the working of the system had been such as to justify any confidence in it. On the other hand, they had long had the experience in this country, and in the United States of America, of the beneficial working of a constitution with two chambers. They had been told that the single chamber was the old constitution of the colony of New South Wales; but it appeared to him to be absurd to call this an old constitution, when they referred to the date of its introduction in 1842. No doubt in 1842, when New South Wales contained so large a convict element in its population, such a constitution might have been necessary for the first introduction of representative institutions with safety, but was it not for that very reason ill-suited to the New South Wales of 1850, which had taken up its position amongst the free colonies of the British empire; still more was it not ill-suited to Port Phillip, or South Australia, which had never been convict colonies at all. The colonists also had expressed their opinions against several parts of this Bill, and more especially to the provisions which gave such powers to the governors of the colonies. It appeared also most inconvenient that there was no provision in the Bill for an elective franchise in these colonies. The franchise which was established by the Act of 1842 provided that a person to be qualified as an elector should be possessed of a freehold of the value of 200*l.*, or a house of the rental of 20*l.* Since that time some remarkable changes had taken place in the value of property in New South Wales, which had produced an effect upon the franchise which was not contemplated at the time the Act passed. It was now a much higher franchise than was ever intended. Circumstances also had operated in such a way as to give a most powerful influence, under the present state of things, to that class of the population who were formerly convicts. He also wished to make one or two observations on that part of the Bill which proposed the formation of a federal assembly for these colonies. He was at a loss to understand the principle on which this would be formed, and also how such a system would work. With the exception of New South Wales all the Australian colonies had expressed opinions against a federal union, and it was supported in the former on the ground that it would give great influence to that colony as the Federal Assembly would meet at Sydney. He could not understand what beneficial object would be gained in giving concomitant powers to this Federal Assembly with the local assembly. His own opinion was that the whole plan was premature, and that it would be found most dangerous in operation. He did not believe by pursuing such a course they would be adding to the stability of our colonial empire. As it was, disputes were often occurring in the colonies which led to considerable difficulties; and he believed they would be increased if they persevered in needless restrictions instead of leaving all local questions to be dealt with by the colonial assemblies, observing only that control which was necessary to secure the supremacy of the mother country. In conclusion, he would ask the House whether it would not be incurring great responsibility in passing this measure in its present shape, for they were legislating for colonies which must hereafter become great countries? The population of these Australian colonies was essentially English in their prejudices, their feelings, and their attachments; why, therefore, did they not extend to them those institutions under which this country had been able to maintain so long and so successfully a government which combined liberty with order more than any government, of which history made mention?

LORD STANLEY said, there were one or two points in the Bill, on which he wished to say a few words. He acknowledged himself to be the father of that venerable constitution of New South Wales, which had been reverenced and regarded on account of its great age. With reference, however, to the establishment of a single chamber in New South Wales, he never looked upon it as other than suited to a transition state—as a mere introductory measure for the enjoyment of a more perfect state of freedom. He might mention a case in point, to show the suitability of the single chamber under certain circumstances. About the same period at which the single chamber had been established at New South Wales, the Parliament of the Island of Newfoundland thought they were bound to imitate the Imperial Parliament in matters of principle, about which they were perpetually squabbling—the speaker of the lower house imprisoning members of the upper house, and the speaker of the upper house imprisoning members of the lower house: the result of which was, that the business of the legislature was brought to a complete stand. He was then Colonial Secretary, and he ventured to put a summary end to the difficulty, by prevailing upon Parliament to pass an Act, by which the members of both houses were brought together in the same chamber, and conjointly transacted the business which in separate chambers they had failed to accomplish. The experiment had the best possible effect in bringing them to the performance of the legislative business which they had previously failed to effect. He could easily imagine that in an infant society the institution of a similar principle might very likely produce, in the first instance, beneficial results. He thought, again, that there was always an obvious objection to the constitution of a supposed popular assembly, consisting of a very limited number of members; and that a supposed popular assembly consisting of twelve or fourteen members, and a supposed non-popular assembly, consisting of five or six members, would not perform the functions of two legislative bodies satisfactorily or advantageously. In the condition in which New South Wales was in 1842, and very probably in the condition of some of the other Australian colonies now, there was not, in his judgment, a supply of men sufficient to form two legislative assemblies, each of them numerous enough—the one to be a popular assembly, and the other to represent sufficient of the interest and the wealth of the colony, and to take upon itself the responsibility which it ought to bear. But by the union of these two branches there was an infusion—not, perhaps, the most satisfactory that could be devised—but there was an infusion, nevertheless, of the popular and the governmental principle, and, practically speaking, it had worked beneficially to the present day. Still looking to the very rapid extension which had taken place in the population, the resources, and the wealth of New South Wales, he could not say that the time had not come when it would be expedient to separate that body, and divide it into two legislative assemblies. There appeared, however, to be a conflict of opinion in the colonies upon this subject as well as in this country; but if the materials for constituting two chambers did exist—if there were a sufficient number of persons in the colony to form a popular assembly and a legislative council, which should carry weight with it, both by its numbers and its responsibility, clearly and undoubtedly the principle of two chambers was the principle which all previous theory, practice, and constitutional history, pointed out to be the most desirable; and he frankly and freely admitted that the adoption of a single chamber was a merely temporary expedient until a more perfect system could be introduced. Whilst he expressed a doubt, then, as to whether the other Australian colonies were ripe for the double chamber, or that they should pass through the same process as the colony of New South Wales, he was clearly of opinion that Parliament should reserve within its own hands the power of giving at some future period that it should see fit, the further extension of freedom which, as he conceived, was involved in the constitution of a second chamber. The noble Earl had said, and he (Lord Stanley) altogether concurred with him, that when representative institutions had been granted to a country, it did not come within the legitimate functions of Parliament or the Crown to control or abridge them; but, on the other hand, he (Lord Stanley) did not see that it was necessary in the first instance to give to a colony the full measure of representative freedom and constitutional independence that they might desire to confer upon it. On the contrary, he thought it was useful to retain in the hands of Parliament the power of extending those rights and amending and improving that constitution; and, above all, he was convinced of this, that if they were to give to any constitution the power of amending itself, they ought to intrust that power—the highest and greatest power that could be exercised—to the most perfect machinery which in the first instance they could devise. He, for his part, was not prepared to intrust to the Legislative Assembly of New South Wales, as at present constituted, to the single chamber of that colony, elected by a constituency from which was excluded—and this was the most important part of the question—at all events the wealthiest, and, he believed, the most intelligent and best-educated portion of the people of New South Wales—he was not prepared to give to that single chamber so constituted the extensive power of amending or altering its own constitution as was proposed by this Bill. The noble Earl had alluded to the 35th clause of the Bill; but he could not see how the power of the legislative assembly was checked or controlled by that clause. True, it was necessary that the assent of the Crown should be given to the measures of the assembly; but supposing a Bill were passed for constituting a single chamber, to be elected by universal suffrage, it would be most difficult for the noble Earl, with his views, to withhold the assent of the Crown from a measure even so extensive as that. If the noble Earl had felt a difficulty with regard to the restriction, in the first instance, upon the powers to be conferred upon the assembly, infinitely greater would be the disgust of the colonists when they found that, though ostensibly they had had given to them the full power of amending their constitution, yet that power was not to be practically exercised, but was to be vetoed by the single veto of the Crown, applied by the Secretary of State for the time being. The noble Earl had stated that it was important that questions affecting the colonies should be subjected to the possibility of being considered in the light of party conflicts in this country. He was sure the noble Earl had not had reason to complain of this, at all events, in reference to the present measure. But supposing a case did occur in which a Bill of this description were sent home from New South Wales, and that the Minister, having laid the Bill upon the tables of the two Houses of Parliament, intimated the intention of the Crown to give its sanction to the measure; then he asked whether, if a discussion were to arise for an Address to the Crown not to give its assent to that Bill, it would not be a question in which the policy of the Government was concerned, and of necessity, which of all things ought to be avoided, give rise to a political and party struggle, in which the Government would be bound to stand by the view they had taken, and the opponents of the Government be bound to persevere in their opposition to a measure which, from the first, they had thought to be objectionable. Thus, the very thing which the noble Earl was anxious to avoid, was introduced by the provisions of his own Bill. With regard to the check which Parliament was to exercise, that check consisted only in this—that an Address to the Crown might be moved in either House of Parliament within thirty days after the Bill had been laid upon the table, praying the Crown not to grant its assent to the measure. But even after one or other of the Houses of Parliament should have sent up that Address, the Crown, acting by its constitutional advisers, might disregard that Address. It might rely, perhaps, upon the support of one House in opposition to the opinion of the other, and in the meantime the Government would act on its own discretion; and thus the question became immediately a question of confidence in the Government of the day. But, whilst he objected to this extensive power being given to the single chamber of New South Wales, or the single chamber of any other colony—of altering the constitution according to its own good pleasure—there were other parts of the Bill to which he entertained yet stronger objections. The whole of this Bill had been founded upon the necessity of preserving a uniformity in the constitutional system of the various Australian colonies. Yet, in the presence of this uniformity of system, the noble Earl had introduced a provision by which each of the colonial legislatures might make a separate and a distinct alteration of its constitution. In short, whilst the noble Earl set out with a strict adherence to uniformity, he took the greatest possible pains to introduce the possibility—nay, the probability—of an endless diversity of constitutions throughout the several Australian colonies. But the point to which he (Lord Stanley) entertained the strongest objection, was the perfectly novel and wholly unnecessary, and, if unnecessary, certainly mischievous introduction of the machinery of a federal government. In his opening speech the noble Earl stated that he thought it was most dangerous and most objectionable that any portion of an Act of Parliament should become a dead letter; consequently he proposed to rescind a portion of the Act of 1842 relating to the district councils, inasmuch as for a considerable time that had become a dead letter. But whilst the noble Earl said this, he proposed to introduce the federal system into the Australian colonies—he (Lord Stanley) was going to say with all the machinery complete; but that he had not done, for he had introduced it without making provision as to the constitution of the federal government, and believing all the time that for a considerable period it would not be adopted at all. The noble Earl had introduced it by giving absolute and entire power to the Crown—that was to the Minister of the day, with regard to this federal government, which would override all the local governments in dealing with questions of the highest constitutional import. The whole framework and constitution of the federal government were left by the Bill to the undisputed control of the Minister of the Crown, whenever any two colonies might petition for the establishment of that system. He (Lord Stanley) contended, then, that in adopting these provisions of the Bill, Parliament would be abdicating its own proper functions. Let the colonies themselves point out the nature of the combination, the species of concert, and the mode in which they desired to effect that combination or federative system of government; and upon their petition and advice let Parliament—not the Crown—by an enactment passed in concurrence with the wishes of the colonies, give effect to that which upon experience they found to be necessary, and impart to that federal government precisely those powers which the colonies themselves, and no others, should find it necessary to be exercised by somebody acting in concert or combination for those different colonies. He would not now enter further into the details of the Bill. He had alluded to the main points upon which he thought it required very serious consideration. He had spoken with some doubt and hesitation as to the propriety of an immediate introduction of two chambers by a positive resolution of this

House. He was quite clear that Parliament should reserve in its own hands the power of dividing the single legislative chamber in whatever colony it might be constituted. He was sure that they should not give to the local legislature, as at present constituted, the extensive power of altering its constitution, which was proposed by this Bill. And he was still more confident that it would be most unwise, in their present state of absolute ignorance and blindness, to agree to the wholly novel system of a federal government, acting perhaps in concert with, or else overruling the local legislature of the different States, though controllable to a certain extent by Parliament, without knowing precisely what were the functions which they intended to confer upon that government—without leaving to Parliament the opportunity of performing its proper functions, and defining the powers which they intended to intrust to that government, and not leaving the definition, the restriction, or the extension of their powers at the absolute disposal of the Minister of the Crown for the time being.

Earl GREY said, he would not then undertake to reply to the various criticisms that had been made upon the Bill. But he must correct a misapprehension into which more than one noble Lord appeared to have fallen when they spoke of this constitution as one under which the representatives of the colonists were to be summoned together only to alter it. That was not his opinion. He conceived that in all probability a considerable period would elapse before any of the colonies would think it expedient to alter the constitution now about to be established. In proof that the existing constitution of a single chamber in New South Wales was working well, he quoted a summary of the last session from one of the local newspapers, stating that the result of the labours of the chamber had given general satisfaction. If they were to discuss the question of a double or single chamber in Committee, he did hope that the noble Lord (Lord Monteagle) would be prepared to say how the second chamber was to be constituted. That problem, he believed, still remained unsolved; and it would be the height of rashness if their Lordships, with their inexperience of colonial society, were to attempt to solve it for them. With respect to what the noble Lord (Lord Stanley) had stated of his establishment of a single chamber being intended merely as a preliminary step to a second chamber, he was bound to state that, in his Lordship's despatch constituting the single chamber, there was not a single hint of a second chamber being afterwards deemed advisable; and farther, he would add, that the population of New South Wales, with Victoria taken off, was less in 1850 than the whole population of New South Wales in 1842, when the noble Lord did not think there were the materials in the colony for a second chamber. The noble Earl then quoted the opinions of the various colonies, which, as far as they had been ascertained, he said, were in favour of the Bill; and concluded by proposing that if the Bill were read a second time to-night, he would propose to go into Committee on it on Monday, the 10th of June; and he hoped that noble Lords who intended to move amendments would have them printed before that time, that they might be considered. He would also state, that before that day the report on the land question would be laid before their Lordships.

On Question, Resolved in the *Affirmative.*

Bill read 2ª, and committed to a Committee of the whole House on Monday, June 10.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 31, 1850.

Minutes.] Public Bills.—1° General Board of Health.

3° Court of Session (Scotland); Police and Improvement (Scotland); Acts of Parliament Abbreviation.

SUGAR DUTIES.

Sir E. N. BUXTON said, it was with great diffidence and a great feeling of his own inefficiency that he brought forward so great and important a question before the House of Commons. But feeling as he did that this question was of great importance to our West India colonies, and as it seemed to him of still greater importance to the interests of humanity, he had ventured to throw himself on the kindness of the House. He must say at the beginning that he brought forward this question in no spirit of hostility to Her Majesty's Ministers. If he were to turn to the men who had done most to promote the interests of humanity so far as the slave trade was concerned, he should turn to those Gentlemen who now occupied the seats below him. And he must return his thanks to them on this occasion for what they had done, at various times and in various ways, to prevent the extension of, and to put down, the slave trade. It was his intention not to treat this matter as a matter of trade. He was well aware of the great importance of this question to our West Indian colonies, and very shortly he must enter into the condition of those colonies, for they were so intimately connected with the question of the slave trade that it was totally impossible to separate the two. But his object was to consider this question as a question of humanity, as a question of high principle rather than as a question of trade, or as a question affecting the prosperity of our colonies. He would very shortly, in the first instance, remind the House of the alterations that had been made in the sugar duties. It was of course well remembered that it was in 1841 that the first proposal was made by the Whig Government of that day to introduce slave-grown sugar at not an equal duty, but at a duty which was at that time supposed sufficient for it to compete with sugar from British possessions. The right hon. Gentleman the Member for Tamworth took a different course. The course that he took during the time that he was in office was to reduce the duty on free foreign sugar, but jealously to exclude the produce of those countries which carried on the slave trade. In 1844 the duty on foreign was 34*s*., and on home sugar 24*s*. per cwt. Some further alterations were made, and in 1846 the measure was introduced by Her Majesty's present Ministers on their accession to office, against which he made his chief complaint. It was quite true that in 1848 an alteration was made, the measure of 1846 was in some degree altered, and the immediate effect was certainly mitigated for a time. He thought no one would deny that in 1848, at a time when a noble Lord, who was now no more, the late Lord George Bentinck was Chairman of the Committee, that the greatest distress existed in the West Indies. That distress was brought before the House in an able manner by Lord George Bentinck and by the hon. Baronet opposite, and in consequence of that Her Majesty's Ministers, who had previously declared their intention to adhere to the Act of 1846, introduced a measure by which the effect of that Act was greatly mitigated, and the disastrous effects of it were postponed. Now he did not wish to say to the House that at the present moment anything like the distress that existed in 1848 now existed in the West Indies. The fact was that the Act of 1848 had been very beneficial to the West Indies, and they were enjoying for a year or two a comparative respite from their evils. But still these accounts of great prosperity were, in his opinion, not true. The fact was, that they were just able to get on. They were in a condition that was just satisfactory for the time, but he saw nothing in the condition of the West Indies which should lead one to suppose that in two or three years from this time, when the duty on their sugars would again be brought down to the level of the duty on foreign slave sugar, that at that time they should not have as great distress in the West Indies as they had had before. He wished to draw the attention of the House to a passage from a despatch of Governor Barkly to Earl Grey, in June, 1849, describing the condition of British Guiana:—

> "At the present moment, indeed, with reduced wages and increased prices of produce, sugar cultivation must again become remunerative, and for a time, at least, the abandonment of estates be arrested. But I cannot help feeling apprehensive at the same time that any fresh attempt to reduce wages at a crisis like this in the history of the negro, might turn the scale against industry and civilisation, and in favour of a bare subsistence and comparative barbarism; and yet such an attempt will become inevitable under the present Sugar Bill, unless the restoration of commercial prosperity on the Continent, or other causes, combine to sustain the adventitious improvement in the demand for sugar which the failure of the crop this year in Cuba has, providentially for the British colonies, occasioned."

Such was the effect of the Bill of 1848 in British Guiana. Notwithstanding the excellence of the soil, the price of estates was much reduced, and he had heard that the estate of the bishop, which not long ago had cost 30,000*l*., sold lately for 6,000 dollars. That, at all events, showed the colonists did not anticipate permanent prosperity under the Act of 1848. He had also received a letter from a Quaker gentleman, Mr. Alexander, travelling in the West Indies, which gave no very glowing idea of the state of the colonists, or of their prospects for the future. He said—

> "I do not feel it (the importance of excluding slave-grown sugar) the less strongly, now that I have seen a large portion of our own West Indian colonies. In some of these colonies the depression is truly serious to all classes, and will, I fear, should the low prices of sugar rule during the present year, lead to a considerable diminution of the cultivation of that staple. Although there remains much in which the Christian must rejoice in the change from slavery to freedom, the Sugar Act has in no small degree contributed to despoil

that measure of its legitimate benefits to all classes of the community."

In some newspapers great stress had been laid on the present favourable condition of the West Indies, which was affirmed to have resulted from the operation of the Act of 1846. According to that Act the protective duty was now 6*s.* 6*d.* per cwt., or 6*l.* 10*s.* a ton; in July next it would be 1*s.* 6*d.* per cwt.; and in 1851 it would entirely cease. By the present protection the planters were just enabled to keep their heads above water, and that was all. Now, as far as he was informed, the exportation of machinery, and such like means of extensive cultivation, were, except in particular cases, and to a very limited degree, not going on as they did go on to the West Indies. And now let them turn for a moment to the condition of Cuba. The exports of sugar from Cuba had increased from 145,000 tons, in 1840, to 270,000 tons in 1850. He thought it likely that the power of exportation of sugar from Cuba was likely to increase still further. It is true that the number of slaves in Cuba altogether was diminished, but the production of coffee was greatly diminished, the export having been reduced from 24,000 tons to 10,000 tons; and Mr. Kennedy, who was employed by the Government, and who was living in Cuba, wrote home word that 38,000 slaves had been transferred from the cultivation of coffee to the cultivation of sugar. In another letter he stated that a large number of slaves who had been employed in the making of railways, were now employed in the cultivation of sugar. Under the stimulus we had given them by opening our market to them, the importation of slaves had increased, and was likely to increase. This was Mr. Kennedy's account:—

> "The planters are actively intent on the promotion of their interests. They are proceeding with unremitting assiduity to obtain the best machinery and carry on their business under the best systems they can learn. Meanwhile the Government is also aiding them, by going on with equal pace in promoting the prosperity of the island. Coals are not only admitted free of duty, but the vessels bringing them are admitted at a reduced tonnage duty. Public works on all sides are wisely carried on. New roads and bridges are in course of construction in every direction, and railroad companies encouraged and supported. Harbours are improved, and opened to trade, so that both internal and coasting communications are facilitated."

He believed that ten years ago Cuba was far behind any of our colonies in the manufacture of sugar. At present they were quite equal to any of our islands, and probably beat them in producing the best sugar at the cheapest cost. He would not enter generally into the state of Brazil; but there also the quantity of sugar exported had been considerably increased, and there also a very great degree of prosperity prevailed among the planters. One thing, however, was remarkable in the state of Brazil. The Emperor of Brazil, in making his speech to the Cortes not long since, informed them that their agriculturists were in great want of labourers, and recommended them to supply that want of labour by some means, thereby showing that, notwithstanding what we considered a great degree of prosperity, they contemplated increasing their cultivation. He must say that, in his opinion, it was not likely our West India colonies could compete with such countries as Cuba and Brazil, who were enabled to renew their population by importations of slaves. It seemed to him that so far as slavery was concerned, they could compete with America—they could compete with the French colonies, and with such countries as Surinam, but not with such countries as Cuba and Brazil, where people were enabled to buy slaves as they bought horses, and to work them night and day without regard to their lives. He held in his hand an extract from a Surinam paper, which set forth the melancholy condition of that colony, and stated that the number of their slaves was greatly reduced, and it was absolutely necessary to set them free, in order that the colonists might be enabled to continue their cultivation. If it were the simple question of the colonies alone, considering the many experiments we had made in the West Indies, he should have been disposed to treat them with more tenderness and to give them a greater length of time than had been allowed by that House; but, at the same time, be must say that it was not on account of the West Indies, but on account of the great question of humanity which it involved that he was induced to press this matter upon that House. For fifty years this country had considered that no effort was too great, that no sacrifice was ill made, to put down the slave trade. In 1815 they gave instructions to the Duke of Wellington, by which he went abroad and proposed that a convention should be made of the different States of Europe by which they should prohibit the importation into their respective dominions of colonial produce from within the territories of Powers that refused to enter into that convention. We were to prohibit even at that time slave-grown produce from countries where the slave trade was still carried on. He found that at that time we gave a great sum of money —300,000*l.*, besides remitting a debt of 400,000*l.* to Portugal, and 400,000*l.* to Spain, to induce those countries to put down the slave trade. It was quite unnecessary to remind the House that we gave 20,000,000*l.* in 1833, in order that slavery might be extinguished in our own colonies. He thought every one would acknowledge that if there was one principle which this country had maintained during the present century, at home and abroad, it was, that, having abolished the slave trade and slavery in our own country, we would do all that in us lay as a great and Christian nation to put it down in foreign countries. He hoped the time would never come when we should give up that great principle. He remembered the words of an American who unfortunately was himself a slaveowner, who, alluding to this subject, said, "I tremble for my country when I remember that God is just." He thought we might tremble for our country if we should arrive at the day when we gave up the great principle that the slave trade was to be opposed by every means that was likely to be effectual. There were some objections certainly employed against any efforts by means of a duty to repress and to keep back the slave trade in Cuba and Brazil. He was told that if they wished to keep out slave-grown articles, they should keep out not only sugar, but also cotton and tobacco—and that while they introduced cotton and tobacco, they had no wish to keep out sugar. Now, he saw no reason why he should not oppose an evil that he could successfully oppose, because there were other evils that it was impossible for him to oppose. But he thought, if any one looked at the history of our cotton trade with America, he would see that that was an example rather to be avoided than followed. We first introduced cotton from America at the beginning of this century. At that time, unfortunately, we held slaves ourselves, and, therefore, could not consistently tell the Americans we would not admit their slave-grown cotton. And what was the consequence? At this moment we were obliged to admit it. We had a vast population dependent on a manufacture which was carried on with cotton which was produced by slaves, and slaves who, he was sorry to say, were in a state of great misery and degradation. Now, if fifty years ago we had been in the same condition we are in now with regard to sugar, had we then introduced cotton from some other place, and very little from America—had we made a stand at the time and said, "We will admit free cotton, but will not admit slave grown cotton,"—would any one tell him that by this time we should not have had an ample supply of cotton, not grown by miserable and ill-fed slaves, but by freemen? Therefore, so far from following the example of cotton, he was inclined to avoid that example, and at all events if he could not oppose the introduction of slave-grown cotton, he could, he thought, provide the people of England with sugar grown by freemen. He thought it well worth while to make an effort and even some sacrifice in order to effect so great a purpose. Then it was also said, that if we excluded slave-grown sugar from this country, the effect would be that that sugar would go abroad—that foreign free sugar would come to this country—and that we should not thereby discourage slave-grown sugar. Now, that argument was theoretically true, but practically false. Cuba and Brazil took a different view of it. They considered it of the greatest possible importance to them that this market should be open to them; and the day on which we, unfortunately, as he thought, admitted slave-grown sugar into this country, was kept as a day of rejoicing in Cuba. The plan of the right hon. Gentleman opposite to keep out slave-grown sugar, and to admit foreign free sugar, seemed to him a wise one, and it was a great misfortune that it was not more strongly adhered to. He confessed that, for his part, he should far prefer a return to that plan. He thought that the West Indies had nothing to fear from free-grown sugar; he thought that they had everything to fear from slave-grown sugar. But if it were said that it was quite impossible to return to that plan, then he would rather keep a differential duty on all foreign sugars; he would rather, instead of gradually decreasing, gradually increase, the duty on foreign sugars. And now let him ask the House for one moment to consider what was the condition of the slave trade. Let the House reflect for a moment on what was the effect of any measure that they took which clearly promoted the slave trade on the coast of Africa. He did not mean to harrow up their feelings by descriptions of the horrors of the slave trade in its different forms, but let him beg the House for one moment to consider the misery that was produced in the case of every slave that was captured, the miseries produced by his original seizure. In each case, perhaps, a whole country was thrown into confusion and despair by the attack of some hostile tribe. Let him beg of the House to remember the destruction of life and the misery caused by the detention of the slaves in those horrible places which were called barracoons. Let them remember that if they were supplied by slave-grown sugar, they were supplied by the blood of those men who were carried across the Atlantic in those awful prison-houses the slave ships. There might be some difference of opinion as to the misery of slave ships at present compared with what it was fifty years ago. He would avoid entering into that question, but would simply call attention to Mr. Wilberforce's description of a slave ship, in 1807, fifteen years after the slave trade had been regulated by an Act of Parliament. His statement was, that no greater amount of misery could be inflicted on human beings than was endured in a slave ship on the middle passage. The condition of these poor creatures was probably no better now. On their arrival at Cuba no description of human misery could be more desperate than their condition. In some instances 500 slaves were shut up on one estate without a single female; and during crop time they were worked eighteen hours a day. Our vice-consul of the Brazils said, the slaves were treated worse than beasts; and their lives were mostly at the disposal of their masters. In the following year, Mr. Goring stated that their hours of relaxation had been curtailed, the increased demand for sugar in the European markets inducing the planters to work their mills night and day, in order that they might take advantage of the favourable opportunity. The fact was, that if, for the sake of supplying the people with cheap sugar, they chose to admit the slave-grown sugar of Cuba and Brazil to a free competition, they would promote in a great degree the utmost amount of misery, degradation, and suffering, that could possibly be conceived in any human condition. In addition, the amelioration of Africa by civilisation or otherwise would be prevented. The slave trade was the great bar to this, and to anything like commerce; above all, it was the enemy of the missionary and the great bar to the gospel. For another reason he earnestly desired to check the course we had taken. At one time this country had great influence over foreign nations on the subject of slavery; now that influence was much diminished; for, by admitting slave-grown sugar at an equal duty with our own, we exposed ourselves to the contempt of foreign nations, and to the charge of being slavetraders ourselves for the sake of getting sugar a penny a pound cheaper. He held that the man who bought the sugar produced by the slave, was as bad as the man who bought the slave that produced the sugar; in moral guilt there was no great difference. At all events, it was a very inefficient humanity to let free our own slaves, and not only to encourage other people to keep theirs, but to buy more. He hoped hon. Members on his side of the House would forget the hallucinations into which they had been led by free trade, and would return to those high feelings of morality which they had formerly evinced on this subject. He hoped that those who had been led away by the hon. Member for Manchester and others, would quit their leadership for once, and return to the good old course of opposing the introduction of slave-grown sugar. No one could deny that the effect of the Act of 1846 had been, and must be, greatly to promote the slave trade of the Brazils. The report of the Parliamentary Committee on the Slave Trade, which sat two years, and of which he had the honour to be a Member, declared unanimously—

> "That the admission of slave-grown sugar for consumption in this country has tended, by greatly increasing the demand for that description of produce, so to stimulate the African slave trade as to render any effectual check more difficult of attainment than at any former period."

The right hon. Member for the University of Oxford had said on a recent occasion—"If you really meant to oppose the slave trade, you should never have passed the Act of 1846;" and there was scarcely a Member in the House who had not, at some time in his Parliamentary career, declared most distinctly that the admission of slave-grown sugar would increase the slave trade, and that it was necessary on that account to keep it out. He hoped that hon. Gentlemen opposite, who were in a different position from the free-traders, would not vote against this Motion, while agreeing with it in their hearts. The right hon. Baronet the Member for Tamworth had, in 1846, declared most distinctly and forcibly his impression, that the Act of 1846 was likely to increase the slave trade; and though, from motives of policy, he then refrained from opposing the Government, those reasons had now passed away, and he hoped the right hon. Baronet would be disposed to alter his vote. He appealed to the country with great confidence, satisfied that the people would willingly and gladly forego any advantage which they might derive from cheap sugar, if the House would take upon itself to maintain a high principle, and declare, on the ground of humanity and justice, that it was unjust to expose free-labour sugar to a competition with slave-grown foreign sugar. Would the House declare by their vote that night that they were determined to take a course which would tend, by keeping out slave-grown sugar, to repress the slave trade, they would be backed by the opinion and the support of the great majority of the people of England. He must say further, he thought a blessing would rest upon this country if they would have the courage to adopt that course.

Motion made, and Question proposed—

"That it is unjust and impolitic to expose the free-grown Sugar of the British Colonies and Possessions abroad, to unrestricted competition with the Sugar of Foreign Slave-trading Countries."

Mr. W. EVANS seconded the Motion. It was not without difficulty and some pain that he felt it his duty to take a course which might embarrass the present Ministry, and he was desirous of avoiding any course which might afford the slightest opportunity to hon. Gentlemen on the opposite side of the House to substitute a system of protection for the present system of free trade. But he thought that this particular subject stood quite distinctly by itself. The slave trade had no resemblance to any of the trades carried on by this country. He confessed that the vote which he was about to record that night in favour of the present Motion, would be inconsistent with the course which he had taken when the Sugar Bill was discussed in that House; but he conceived that when his opinion of a measure had become altered by its operation and effects, it was his bounden duty not to be ashamed openly to confess his error. And he might add, that if his present was inconsistent with his past conduct on this subject, it was not influenced by any interested motive. From the different accounts which he had heard from time to time from our sugar-growing colonies, he felt convinced that, if the present differential duties on sugar were reduced, it would be utterly impossible for them to continue the cultivation of their estates; and thus, whilst the owners of those estates would be reduced to poverty, those natives of Africa whom they at present employed, and in whose behalf this country had acted so noble a part a few years ago, would be left altogether destitute, and, from their present state of comparative comfort and civilisation, must relapse very speedily into a state of wretchedness and barbarism. He maintained that it would be highly unjust to subject our colonies, who employed free labour, to competition with the sugar growers of Cuba, who employed slave labour. At the present prices, the great mass of the people of this country were enabled to be consumers of sugar; and on behalf of the proprietors of estates in our colonies, and the black labourers in their employ, he deprecated any further reduction in the sugar duties.

Mr. HUME said, he fully agreed in the terms of this Motion—that it was unjust and impolitic to expose the free-grown sugar of the British colonies and possessions abroad to unrestricted competition with the sugar of foreign slave-trading countries. For many years he had felt that this was unjust, and had urged the House to take measures for enabling our free labour in the West Indies to compete with slave labour elsewhere. He was not one who could be accused of inconsistency, for from the moment when emancipation was proposed in 1832, he had always maintained the opinion which he now supported. The colonies could not exist without labour; yet it had been the policy of this country to compel them to compete with slave labour, but to refuse them that supply of labour by which alone they could so compete. He had the authority of some individuals having great interest in the West Indies to state broadly that they did not want protection. They thought it unjust to throw on the people of England an increased price for an article of so much importance. Though having property in the West Indies, those who had looked most correctly at the matter did not think, after what the Government had done, and after the sacrifices that had been made, that England ought to be longer subjected to protection in their favour. That protection recently amounted to about four millions a year; and they were of opinion that no such tax was necessary, and that that was not the way to put down the slave trade. Could free labour be fairly brought into competition, the produce would be cheaper than that of slave labour. There was no other mode of putting an end to the slave trade; the whole united fleets of England, France, and America, if employed on the African coast, could not prevent the smuggling of slaves which now prevailed. Nothing could go to the root of the evil but to make the produce of free labour cheaper than the produce of slave labour; then the slave trade would cease as a matter of course. The hon. Baronet the Member for South Essex might have referred to the report last year, containing an account of the horrors of the slave ships, which were even worse than in the time of Mr. Wilberforce, and the mortality was greater. Let the hon. Baronet review the question on his own principle of humanity, and see whether the condition of the slave had not been rendered worse by our interference. No people could have acted on more honourable principles than this nation had done; and yet in this, the seventeenth year since emancipation, the export of slaves from the coast of Africa was as great as ever. What then was to be done? As Mr. Canning had pointed out, thirty years ago, the population of the colonies ought to have been prepared for freedom by being trained to labour; but nothing of the kind had taken place. The following were the resolutions proposed by Mr. Canning on the 16th of May, 1823:—

> "That it is expedient to adopt effectual and decisive measures for meliorating the condition of the slave population in His Majesty's colonies.
>
> "That, through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects.
>
> "That this House is anxious for the accomplishment of this purpose, at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."

Committees of both Houses had sat on this question, in 1832, and that of the Commons (of which the late Sir F. Buxton was chairman) reported that they had only had time to examine the parties in England in favour of emancipation, and recommended that the inquiry should be resumed in the next Session, as to the best means of carrying out emancipation, by the examination of witnesses from the colonies. In the next Session Lord Stanley had at once proposed the emancipation. He had opposed it throughout, on the ground that the Committee had not completed their inquiry. The colonists were evidently as anxious for emancipation as the people of England, but they did not wish to see their property sacrificed. The feelings of the House being against him (Mr. Hume), he had ceased his opposition to the measure, merely protesting against the haste with which it was sought to be carried. What had been the result? The noble Lord the Foreign Secretary had been most energetic in his efforts to put down the slave trade, by means of treaties with France and other Powers; but notwithstanding all this, the trade still flourished as much as ever; and in the last three or four years, he understood no fewer than 25,000 negroes had been sacrificed on the passage. The question recurred—were we acting on a right principle? He maintained the negative; for we refused to our colonies that supply of labour which was necessary to enable them to compete with slave countries? Thus we had not only failed to put down the slave trade, but had ruined our colonies—the depreciation of property could not be estimated at less than 100,000,000*l.* sterling. In Demerara estates were daily going out of cultivation; the condition of the people was becoming worse; schools were decreasing, and missionaries were leaving the colony. In British Guiana the evidence before the Committee of last year showed the deplorable state to which the colonists were reduced. The protection given having utterly failed to produce the advantages desired, and nothing but starvation and ruin having been the result, it was natural to look to some other remedy for the evil. The Anti-slavery Society were opposed to the only means by which the slave trade could be effectually stopped—the introduction of African labour under proper guarantees and protection. But when measures were proposed for the introduction of Coolies, the Chinese, or other classes of persons, the society declared that these measures had not, would not, and could not succeed. But why should they not? Why could not proper precautions be taken to protect the African labourer? No part of the execution of the law, as between the planters and the negroes, was left to the planters themselves. The House themselves paid the salaries of magistrates, whose duty it was to see justice done, and the law carried out. Why, then, this alarm? Why should it be said that it would be impossible to permit the introduction of Africans into our sugar colonies without reviving the slave trade? The proposition was to bring them from a state of slavery, to prevent them from being destroyed upon the middle passage. He would land them upon our possessions, and apprentice them for two, three, or four years, under a legal bond and form, with their privileges and duties set forth in the indenture, and magistrates to protect them. The hon. Baronet the Member for South Essex pointed out no means by which an additional supply of labour was to be provided. He had nothing to propose but the continuance of the differential duty. If the House agreed to this Motion, and made no provision for free labour, the slave trade would go on notwithstanding. He (Mr. Hume) was opposed to protection of every kind, particularly when he saw how ineffectual it was, and had been, to put down the slave trade. The colonies did not want protection. There was virgin land enough in the West Indian colonies, if labourers could be obtained at fair and proper wages, to produce more sugar than the British islands could consume. If, as he believed, with a proper supply of capital and labour, enough sugar could be brought to this country to enable us, as we used to do, to export some to foreign countries, we should then put an end to the detestable traffic in slaves. Let the Government take abundant precautions to protect the African labourers—let them buy the slaves who were brought to the African coast for the South American market, if they would; for, was it not better to buy them and to bring them over to the West Indian colonies as apprenticed labourers, than for them to be destroyed in the barracoon or on the middle passage? He might not be in that House to recall his prophecy made many years ago to the recollection of the House; but, before long, unless they gave a supply of labour to our colonies, they would cease to be productive, and their once happy population would revert to a state of barbarism. The hon. Member for Newcastle-under-Lyme, stated on a former occasion that there would be no difficulty in obtaining emigrants from the coast of Africa, because the chiefs would prefer consigning them to the English, to selling them to the Portuguese. He did not see any injustice or cruelty in this. On the contrary, the condition of the African would be greatly bettered, whilst, at the same time, they took the only means of putting an end for ever to the slave trade; because he had no hope of seeing it put an end to, except by cheapening the production of sugar in their colonies and underselling in the continental markets that which was the produce of slave labour. The measure which he now called upon the Government to adopt was recommended in the report of the Committee of 1841, over which Lord Sandon (now the Earl of Harrowby) presided. It was proved before that Committee that in 1841 no people had so many comforts and enjoyments—that none were more remarkable for sobriety. Sir C. Metcalfe, in reference to Jamaica, stated in a despatch to Lord Stanley, dated Nov. 1, 1841—

> "With respect to the labouring population, formerly slaves, but now perfectly free, and more independent than the same class in other free countries, I venture to say, that in no country in the world can the labouring population be more abundantly provided with the necessaries and comforts of life, more at their ease, or more secure from oppression, than in Jamaica; and I may add that ministers of the gospel, for their religious instruction, and schools for the education of their children, are established in all parts of the island, with a tendency to constant increase, although the present reduction of the missionary schools is a temporary drawback. I turn from the cheerless prospects of the future to a more pleasing feature in the present order of things. The thriving condition of the peasantry is very striking and gratifying. I do not suppose that any peasantry in the world have so many comforts or so much independence and enjoyment. Marriage is general amongst them. Their morals, are, I understand, much improved, and their sobriety is remarkable."

The Governor of British Guiana, Sir H. Light, said of that colony in September, 1841—

> "If I were not convinced that the unhappy Africans are benefited by the transfer to this colony, I should not so urgently press the continuance of Her Majesty Government to immigration; thus the African's condition must here be improved, as the men of their own colour are in a high state of civilisation. Religious instruction administered in fifty-seven places of public worship; each parish has at least two schools, and each missionary has a school at his own residence, &c. A day's task is understood to be seven hours, and the average rate of agricultural wages 5-12ths of a dollar."

Mr. Latrobe, in his report of 1839, speaking of Trinidad, said—

> "There were thirty-five day and fourteen Sunday schools, but now increased to fifty or sixty schools. The soil of Trinidad is a rich marl, and were there a sufficiency of labour, every British market might be amply supplied with sugar from this one island. Hence, foreign sugars would be excluded, and the slave trade, as it refers to Great Britain, would be practically discouraged. It is, therefore, my deliberate conviction that the people would gain an accession to their religious privileges by quitting any part of the Western Africa for the island of Trinidad."

Well, then, with these facts before them, was it not evident that the condition of the African would be greatly benefited by his introduction, under proper rules and regulations, into their colonies? It was quite true that Coolies imported from India were unfit for the species of labour required; and the immense expense of their importation by reason of the distance, and also the expense of sending them back, rendered the traffic unprofitable. He called on the House to assist in bringing about such a change, for the sake of the unhappy African himself; for it was only by doing so, and not, as proposed by the Anti-Slavery Society, by maintaining restrictive duties, that they could ameliorate his condition and put an end to the traffic in slaves. If, therefore, the hon. Baronet consented to the addition of the words he (Mr. Hume) proposed, he would support his resolution.

Mr. MANGLES wished briefly to state the reasons which induced him to vote as he would do on the present occasion, which were founded chiefly on his sense of the injustice with which the West Indies had been treated. He agreed in every word which had fallen from his hon. Friend the Member for Montrose. He conceived it was the bounden duty of the Government, when the emancipation of the slaves took place, not to permit the introduction of free labour under a species of restriction, but to have done everything in their power to promote it. He maintained that free labour was always cheaper than slave labour; but if they confined the market of labour as they did in the West Indies—if they prevented the West Indian planter from procuring free labour where he could find it, they were doing all in their power to verify and prolong that condition of things which the Anti-Slavery Society were in the habit of describing. He had been in India when the proposition for the immigration of Hill Coolies into the West Indies had been made, and he remembered the outcry which had been made at the period—an outcry to which he had been always opposed. And he maintained if that system had been carried out under proper regulations, it would have been productive of great good. But the Government at home had been influenced by the solicitations and the representations of a party who had described the system as only a species of slavery in disguise, and it had accordingly been put a stop to. He had some difficulty, he confessed, in coming to a conclusion as to the course which he would take on the present occasion, until he saw a manifesto put forth by a society to which allusion had been made that night, and which the hon. Baronet the Member for South Essex represented. They would not agree to any importation of free labour to the West Indies, except on terms which he (Mr. Mangles) looked upon as absolutely impossible to be complied with. He could not, therefore, vote for the Motion of the hon. Baronet.

Colonel THOMPSON said, that after having spoken on the question of free trade from cart, and cask, and bench, and hustings, and tribune, and pulpit, he did not wish to be charged with inconsistency in the vote he intended to give. He was therefore desirous of explaining, that though free-traders laid down the doctrine that the way to make a commercial gain was to buy in the cheapest and sell in the dearest market, they never extended their doctrine to questions where the creation or maintenance of immorality was concerned. To give an illustration—somewhat rude—of his meaning, he did not suppose that any hon. Member, in his anxiety for cheap goods, would go into that part of the metropolis called Field-lane in search of a silk handkerchief; because it was notoriously a receptacle for stolen goods. So in like manner, there was nothing in free trade to prevent him from voting for a duty on slave-grown sugar, if a moral benefit would result. But he must take the opportunity to make the most decided opposition to anything under the title of apprenticeships. In the years 1808, 1809, 1810, he was Governor of Sierra Leone, where the system of what was called apprenticeship had been introduced, and it was a mere system of collusion, and nothing but slavery under another name. Now, if even in Sierra Leone it was impossible to prevent this collusion, how much more so would it be in the West Indian colonies? If anything of the kind was attempted, it would merely open the way for a system of imposition and a wasteful expenditure of public money. On the coast of Africa, too, the effect of purchasing apprentices would be exactly the same as of purchasing slaves. The kings and chiefs in Africa would find no difference in a name, and they would carry on wars under one title with as great glee as the other. The pretence, too, that it was to be done for the sake of the religious advantages to be conferred on the transported African, was nothing but what we had heard of before. All that was very old, and was thought to have been disposed of sixty years ago in the debates on the original slave trade. Believing that free trade did not imply the support of immorality, he should give his vote in support of the Motion.

Mr. GRANTLEY BERKELEY was anxious to state that he would give his full concurrence to the Motion of the hon. Gentleman the Member for South Essex. He could not, however, join in the eulogy which he passed on the Government for having done so much to put down the slave trade, because the admittance of slave-grown sugar subverted all which they had done before. The hon. Gentleman said that the West Indies were in a more prosperous state. This he totally denied. British Guiana was more than three-fourths abandoned, and production in that colony was in a state of stagnation. Governor Barkly, upon the same subject, in his evidence before the Committee, observed that the population were on the verge of degradation, in consequence of the decrease in the amount of wages. As a further proof of the state of property in British Guiana—he spoke from personal knowledge—an estate, which formerly produced 10,000*l.*, was sold the other day in the London market for 2,000*l.* He agreed with very much which had fallen from the hon. Member for Montrose. All he wanted was the importation of free labour. The planters had not sufficient money, and unless the Government supported them, they could not enter into that speculation. It was impossible for the proprietors in that colony to condense their labourers sufficiently to obtain an adequate control over them, or create around them such natural wants as to induce them to be desirous of amassing a large sum of money. In supporting the Motion of the hon. Gentleman, he did not ask the Government to take any retrograde step. He only asked them to take a straightforward step—to put down slavery by cutting off the demand. He asked them not to permit slave-grown sugar to come into competition with free-grown sugar. The agreement respecting the apprentice was broken, the Government held no faith with the West Indian proprietors upon that question, and the Act of 1846 completed the ruin of their sugar-growing colonies. He wanted to know, in the face of the progress of the slave trade, did they mean still further to diminish the duties, and to abolish the differential duties which now exist? The people in the West Indies were waiting in a state of great excitement the result of that night's debate, which would be carried out to them by to-morrow's packet; and he hoped that the result would be such as to enable them to see, if not an end of their sufferings, at least some hope of redress. By the mail which had just arrived, he found that the slave trade was increasing in the Brazils. He wanted to know why treaties should have been made with foreign Powers, if it was not intended they should be kept; and why England should be left in the Quixotic position of sole occupant of those seas where, if all the navies of all the Powers were to be stationed, they could scarcely effect the object they had in view. They lived in an age of extreme religious as well as of extreme political views. Could anything be more extraordinary than that the House of Commons should, upon one day, pronounce, by a large majority, against the Government its resolve to maintain the sacredness of the Sabbath, and its horror of the profanation of that day as regarded post-office labour, and yet, upon the next, they should affirm, by a large majority, that slave sugar ought to be received in our ports; and that, though they would not permit an Englishman to work for two hours on Sunday, they would encourage a slaveowner to oblige his unfortunate dependents to toil twelve or sixteen hours on the Sabbath? They strained at the post-office gnat, but they would swallow the slavery camel. The Manchester school boasted of the great increase of intelligence, learning, and morality amongst us, and were desirous of seeing the people at home spiritually instructed; but they were totally regardless of the condition of the unhappy slaves, and were utterly indifferent to the notorious fact that, in the West Indies, the chapels and schools had, since the operation of our policy, been deserted. They talked of solemn obligations contracted in the face of the world; but they showed the world that their professions were not sincere, by evading the principle which these professions seemed to indicate. Every foreign State laughed at our ridiculous position, and despised our professions of sincerity, so long as we indirectly, but most effectually, encouraged slavery. He had a right to expect the support of hon. Gentlemen on his side of the House, and more especially of the peace party; for no armament could so surely put down slave importation as the prohibition of slave-grown sugar in our markets. The Emperor of Brazil said in his speech—and the Emperor took a little more care of his agriculturists than we did in England—that "he hoped they would all adopt measures for supplying their agriculturists with labour, the want of which was daily increasing." Slave labour, of course. [Mr. M. GIBSON: He did not say slave labour.] He could mean nothing else; and every man who knew anything of the state of Brazil must understand him in that light. The deaths of slaves in Brazils, from captivity or cruelty, were so great as to increase the otherwise large importation of slaves. In 1847, 73,000 slaves were imported into Brazil, and the importation had since then increased—a pretty significant sign of the efficacy of our measures. Hon. Gentlemen would equalise the condition of the British agriculturist, and, whilst expressing great horror of the trade in slaves, were quite willing to eat the bread made out of American wheat raised by slaves, or the sugar of the Brazilian slave-owner. The prospects of the British farmer were on a par with the colonial planter. Nor was there any prospect of a rise in the price of corn, seeing that land in America was cheaper than here, and burdens lighter, and, indeed, there was a greater breadth of wheat sown in America in this than in any previous year. [Mr. HUME: How do you know that?] He knew it to be so, and would prove it to be so when the proper time arrived. Could his hon. Friend say it was not so? In America there was the same mongrel and hybrid policy as in this country. The question neither there nor here was based upon principle. It was not, shall slavery be or be not tolerated? but, in what form can we tolerate it? Let them just consider a portion of their policy upon this subject — with reference, for instance, to the King of Dahomey. From that slave-hunting, slave-dealing King, the Queen of England had condescended to receive presents, as appeared from the evidence of Captain Winniett. They would see what sort of a king this was by an extract from the evidence given before the Lords' Committee:—

> "Will you proceed with your statement with respect to the King of Dahomey?—When I visited the King, he gave me to understand that he and his army were at all times ready to fight the Queen of England's enemies, and to do anything that the English Government wished him, except doing away with the slave trade; the king is willing also to permit Englishmen to form plantations in his country.
>
> "You have stated that the King of Dahomey is anxious to be on good terms with the Queen of England; what could we give him as an equivalent for that 300,000 dollars which he derives annually from the slave trade?—There has been a sum offered, but a very small one, not more than 500*l*. sterling annually for seven years.
>
> "If in these razzias the King of Dahomey takes 8,000 slaves, how comes it that he only sells 3,000; what becomes of the other 5,000?—The other 5,000 are kept for his troops.
>
> "He distributes his plunder amongst his captains and the troops for them to sell?—Yes.
>
> "Then he keeps 3,000 to himself?—He keeps 3,000, or perhaps more.
>
> "Is this slave hunt in his own territory?—No, it is not; they go to war on the different tribes around his dominions.
>
> "Is there any declaration of war beforehand, or do they march where they will?—They march where they will, generally concealing the object, and the position which they are going to take up, so as to surprise the villages and towns.
>
> "And your impression is, that the greater number of the slaves are therefore furnished by those slave-hunt wars?—Certainly."

And again—

> "Is any resistance made to those slave hunts, which you described as being regularly conducted for two or three months every year; is any resistance made to them by the chiefs?—No; they are overpowered with the force which the King of Dahomey sends against them. He has, upon one or two occasions, produced me models of the different forts that his female troops have captured. He has not so many female troops as he has male, and it is those in whom he places the greatest confidence.
>
> "Who are engaged in his army?—Yes, there are nearly 8,000 of them. I was present at a review of 8,000 women.
>
> "Do they fight better than the men?—Very much. I was amazed at the fortifications that they stormed, and regularly carried by storm, of which they had models.
>
> "Are they protected by armour?—From the wrist up to the elbow.
>
> "What weapons do they carry?—Muskets and swords.
>
> "Are they foot soldiers or horse?—All foot.
>
> "Does the King himself command in chief upon the occasion of those raids?—Occasionally.
>
> "He sends out his captains and generals at all times?—Yes, his captains and generals.
>
> "Are they women?—They are women, those attached to the female part of his army. Of course, he has male troops also.
>
> "Do you know the proportion between the female troops and the others?—There were more male than female. There are 8,000 female. He requested that Her Majesty would kindly make him a present of 2,000 war caps for his female troops, and She very kindly sent them to him."

This king, it appeared, put great faith in his female army:—

> "Did you get any light upon the reason for having that female army from the King of Dahomey?—He gave me to understand that he could place greater confidence in them; that he kept them only around his person; that in all his castles (he had three) there was never a man allowed to enter; they were what he called his body guard.

> "Were they regularly trained as soldiers?—Yes.
>
> "Of what age were they?—All young women; not one beyond 35.
>
> "After that, do they quit the service, and marry?—He pensioned them off, and took care of them; he said he was bound to take care of them after they were of no use.
>
> "Were they allowed to marry whilst in his service?—No.
>
> "Were they pressed into the service?—No; all voluntary.
>
> "Natives of his own country?—Yes; remarkably fine women, standing five feet eight, nine, and ten."

He now called upon the House to do justice to a long suffering and ruined interest—to do justice to their own moral and religious feelings, and to save those colonies which had cost England so much blood and treasure, but which were now on the brink of ruin. Many of those colonies were now ripe for revolt, and our cruel policy towards them taught them to prefer dependence upon any nation to being connected with this. He asked the Government the plain and simple question, What was to become of the colonies if our present policy was persevered in? Would they blindly and wilfully pursue this terrible system—would they deprive our fellow-subjects of all hope—would they prove to them that our policy was fatal to the planters abroad, and to the agriculturists at home, and that, like the harpies of old, it stained all it touched? He sincerely hoped that, though the Motion might not be carried, the minority would be, at least, so large that it would evince the sympathy of a large portion of the House of Commons for our fellow-subjects in the colonies, who would look upon the present debate with the deepest interest. He hoped, too, that the Members of the Government who had been so chary of speech upon this subject of late, would now attempt to show how, upon any principle of justice, morality, or religion, they could contravene the principle implied in the present Motion.

Mr. J. WILSON said, that his hon. Friend who had opened the discussion, and the hon. Gentleman who had just sat down, had placed the question before the House, on very plain and candid grounds; they said that the colonists were in no way indisposed to compete with free labour in any part of the world, and the only thing they had to fear was to compete with slave-grown sugar. Two years only had elapsed since the question was before the House, and there had then been a lengthened inquiry into the position of the British colonies. His hon. Friend, in order to justify himself in bringing this question before the House—when within such a short period it was decided, if not by a large majority, at least by a majority, that the opinion of the House was against the Motion now submitted by his hon. Friend—ought to have shown that during those last two years of past experience he has some ground for basing the Motion now, and some reasons to show that the policy of the Government had not succeeded, and that those colonies are now threatened with more danger than they were at that time. It was now necessary for him to refer the House to the evidence taken before the Parliamentary Committee of 1848, in order that they might see how far the predictions then made with regard to the results of the policy of the Government have been fulfilled. It was impossible to approach this question exclusively as a West Indian question. It was impossible they could exclude from their observations the large sugar-producing possessions they had in the East. It was impossible to forget that they had, beyond the Cape of Good Hope, one single island now producing 60,000 tons of sugar per annum; that they had possessions in the East Indies that were exporting 75,000 tons of sugar per annum, and that the production was calculated at four times that amount, and they had moreover further, in the East, new possessions in the Asiatic Archipelago rapidly increasing in the production of sugar. It was impossible, in considering the condition of the West Indian colonies, to exclude those circumstances from their attention. He should now proceed to consider the condition of India, Ceylon, Mauritius, and, lastly, the West Indies; he would glance at the predictions made with regard to them, and examine how far those predictions had been verified. With regard to Ceylon, the Committee had as witnesses before them previously, Mr. Anstruther, many years Colonial Secretary, and a planter in that colony; they had Mr. Christian, a very eminent cultivator and merchant; and they were told distinctly that if they did not retrace their steps with regard to free trade, and lay a protective duty on coffee of 2*d.* a pound more than that now enjoyed, in a few years Ceylon would be a barren waste, and would not produce coffee for exportation. But what was the result? The produce in that year was 20,000,000 lbs.; it was 30,000,000 lbs. in the next year, and in last year it was

40,000,000 lbs., being exactly doubled in the three years, instead of being entirely annihilated. And what was now the position of protection with regard to Ceylon? Instead of being told that Ceylon could only exist by an additional protection of 2*d.* per lb., they were now told by the merchants of Ceylon that protection to them had become a dead letter, and was entirely unimportant; for notwithstanding the competition to which they were exposed, and the predictions that were uttered in 1846, they had managed to increase their cultivation; and now the importation from the British colonies exceeded the entire consumption of the country, and they had a surplus to export to the Continent, where it would come into competition with the produce of St. Domingo, Brazil, and Java, and the price, therefore had fallen to a level with that of the markets of the world. According to the last accounts they had from Ceylon, it appeared that, instead of 40,000,000 lbs., they would have a supply of 50,000,000 lbs. this year; and it was not the price of that year that caused the increase, for the produce of last year (40,000,000 lbs.) could only be actually brought into use by the price in the preceding years. The next place to which the Committee turned their attention was the East Indies. They called before them several most able officers, and had the advantage of the assistance of some of the most able directors of the East India Company. They had before them Mr. Tucker, Mr. Melville, Colonel Sykes, and other individuals well acquainted with the condition of India. And so important, it was said, was the cultivation of sugar in the East Indies to the trade with this country, that without that produce it would be impossible for the East India Company to receive their annual remittances, which of sugar alone was stated at 1,500,000*l.* per annum out of 4,000,000*l.*, and that it would be impossible to send out English manufactures, for they could give nothing in return; in short the evidence was of a most discouraging character. Mr. Alexander, who was several years connected with the trade, gave them to understand that if they did not give a protective duty of 10*s.* per cwt., the importation would fall to 40,000 tons from 60,000 tons, and in a few years they would not receive any sugar from India. A witness from Madras made the same statement. Two years had passed over, and instead of the prediction being realised—instead of there being a falling-off in the importation of the next year to 40,000 tons, it was a proud consolation to be able to say that not only had the importation of the East Indies been maintained, but it had steadily increased up to the present time, and last year it was larger than in any preceding year whatever. And, moreover, from the latest accounts, instead of 60,000 tons of importation as in 1848, when they were taking the evidence referred to, they would receive from 75,000 to 80,000 tons in the present year. The next colony with respect to which they examined witnesses was Mauritius; and, at that time, Mauritius presented a most gloomy picture. The whole of the London merchants connected with the island, with a few exceptions, had become bankrupt, and other persons connected with the trade were in a state of insolvency. They were told by Mr. Guthrie that they wanted a duty of 1*d.* per pound on foreign sugar as a protection against it; for, otherwise, it was impossible for the cultivation to be maintained in Mauritius, and every cultivator in the island would be ruined. They had had that evidence from Mr. Guthrie and from Mr. Hunter, a large proprietor in Mauritius, and from Sir George Larpent, and Mr. Chapman; and other persons, he believed, gave similar information, and he was not surprised that it made a great impression on the minds of the members of that Committee. What had been the result of this prediction, as shown by experience? For three years preceding 1846, when slave-labour sugar was excluded, the average production of the colony was 34,000 tons per annum; but in the three years succeeding, including the last year, the annual production, instead of 34,000, had risen to 50,000 tons on the average of the last three years; and the crop which was now being shipped was confidently anticipated to be no less than 60,000 tons, being an increase of nearly double the quantity produced in the three years prior to the time they received that evidence. They persevered in the plans they then contended for, and in the policy of the Act of 1846, and instead of the Island of Mauritius becoming a desolate wilderness, it now produced double the quantity of sugar which it produced three years ago. The next place to which they had turned their attention was the West Indies; and what was the average production there in three years preceding the introduction of slave-grown sugar. In 1844, 1845, and 1846, the average importation from the West Indies was 127,000 tons. What was the average in the last three years in these colonies, which they were told could not subsist with a smaller protection than 10*s*. per cwt.? It had increased to an average production in the last three years of 148,000 tons per annum, and in the present year the computation was from 135,000 to 140,000. ["No, no!"] He could only say that it had been stated to him by the best authorities in the city of London, that the lowest computation was 135,000, and the highest 140,000. After sitting upon that Committee, and hearing all the evidence adduced before them on that occasion, and having derived information from every quarter open to him, he was not for one moment disposed to question the distress and suffering that existed in the West Indian colonies, and the other sugar colonies, in the year past; but it was one thing to admit distress, and another to say that distress was to be cured by a protective duty. They had suffered distress, but not by the withdrawal of protection, but because they were the victims of a vicious system that had existed in years gone by, by which their property was exhausted in some respects and burdened in others, the great weight of which was thrown on the present race of proprietors. In Committee of 1848 one of the most valuable witnesses they examined was a Member of that House—the hon. Member for South Cheshire. He had just then returned from a visit to his property in the West Indies, and he told them that he had been informed by his agent in this country that he had one of the best managers in the West Indies; yet, when he saw the condition of his estate, and the way in which it was managed, it was to him a matter of surprise that he received anything from it. He described the mode of management—that the most ordinary agricultural implements, if not unknown, were unused, and that the labourers used their hands to convey the manure from one place to another, instead of in a barrow or on a fork. The hon. Gentleman took measures to compel the use of proper agricultural implements; and his manager after the first year of his experiment, forwarded to him the annual accounts which showed that, instead of 9,000*l*., the cost of management under the old system, he had by his improvements saved 3,000*l*. in one year. What were the general predictions in that House and in the country with regard to the results of the Bill of 1846? They were told over and over again in that House and in the country that the cry of cheap sugar was a delusion—that they might have cheap sugar for a short time, but that they would throw sugar out of cultivation in their own colonies, and that they would be at the mercy then of the slave-growing colonies, who would raise the price as they thought proper. How had this great and favourite prediction been verified? He did not think that there had been any large increase in the production of sugar in the slave-growing colonies within the last two years; but a very great increase had taken place before they admitted slave-grown sugar to this country. The chief increase of production in those foreign colonies took place from 1828 to 1840, when they had a practical exclusion of foreign sugar, as well the produce of free labour, as of slave-labour sugar from this country. He would take Cuba and Porto Rico. In the three years preceding the introduction of the Act of 1846, exclusive of the year 1845, when the hurricane destroyed the crop in Cuba almost entirely, the production of sugar was 250,000 tons per annum: during the last three years the production in these two islands was 300,000 tons per annum, showing an increase of 50,000 tons, being an increase of 20 per cent. In Brazil during three years preceding the Act of 1846, the average production was 97,000 tons: in the three years succeeding it, 108,000, being an increase only of 11 per cent. In the British West Indies, the average production of the three years preceding that Act was 127,000 tons; and in the three years succeeding, 148,000. In Mauritius, the average production of the three years preceding the Act was 34,000 tons: in the three years succeeding it, 50,000 tons. In the East Indies the average exportation of the three years preceding the Act of 1846 was 64,000 tons: in the three years succeeding the Act, 72,000 tons. In the whole of the British possessions the average production in the three years preceding that Act was 225,000: in the three years succeeding, 265,000. So the increase in Cuba and Porto Rico was 20 per cent, in Brazil 11 per cent, and in the British possessions 20 per cent. Therefore, he maintained that the increase of production had taken place as rapidly in their own possessions as in the slave-growing countries. He thought it was capable of proof, that had the sugar duties been left as they were in 1844, when the right hon. Baronet the Member for

Tamworth first began to modify them—had they been left with the exclusive supply of this market on the terms on which they then enjoyed it—he believed the condition of the West Indies at the present moment would be infinitely worse than it is now. What was the consumption of sugar in this country under the old law, which gave our colonies a strict monopoly? In 1810 the consumption of sugar was nearly as high as in 1840. He admitted that in 1810 some small quantity of sugar was used in breweries and distilleries. In 1810 consumption was 196,000 tons; in 1817, 184,000; in 1840, 179,000. In 1844 it was 206,000 tons, but in 1842 it was only 193,000. Therefore, if they looked at the figures from 1830 to 1844, they had almost an entire equality in the quantity of sugar consumed. In 1845 the first effective alteration in the sugar duties was made. In 1846 the law was changed, as hon. Members were aware; and for the first time the production of foreign slave-cultivating countries was admitted; and what was the history of the sugar trade during the last five years? Though they had a fixed quantity for almost fifteen years preceding 1845, yet from 1845 it had risen steadily, but rapidly, to no less than 300,000 tons a year. Whereas the consumption had been almost stationary for fifteen years preceding 1845: in the next five years, under the policy commenced by the right hon. Baronet the Member for Tamworth, and followed up by the noble Lord at the head of the Government, the consumption had increased by no less than 50 per cent. Then he had another reason for believing that the introduction of slave-grown sugar into this country had not been of any material consequence, so as to encourage production in the slave-growing countries, for he found in the three years preceding the introduction of slave-grown sugar into this country, the average price of Havana sugar was 23*s.* 1*d.* per cwt., and in the succeeding three years it was 22*s.* 4*d.*; so that there was no pretence for saying that slave-growing countries had been stimulated in their production by a rise of price consequent upon their admission to this country, and it was a rise of price only which could lead to an extended cultivation. He had alluded to the very remarkable increase that had taken place in the consumption of sugar since the Act of 1846; but they might be told by hon. Gentlemen opposite that they should not boast of it, when it was the result of the introduction of sugar produced by slaves throughout the world. So far from its being true that the slave-growing countries had an advantage in competing, during those three years, over the British colonies, it was, on the contrary, true that during those three years the consumption of the produce of free labour in the British dominions had recently considerably increased; while the consumption of slave-grown produce had in the same time materially diminished. In 1847 the consumption was 289,000 tons in the year, of which 227,000 was free-labour sugar, and 62,000 tons slave-grown sugar; and there had been an increase from 227,000 tons of free-labour sugar to 243,000 tons; and a decrease from 61,000 tons of slave-grown sugar to 39,000 tons. The consumption of last year was 310,000 tons, 253,000 tons being free-labour sugar—a large increase. And what was the case this year? They had an account made up for ten months; and if the next two months bore the same proportion, the consumption would be 318,000 tons, 282,000 tons of which would be sugar the produce of British possessions; while 36,000 tons only would be sugar the produce of slave-labour countries. During the four years in which they had subjected their own planters to the competition of slave-labour sugar, the consumption of their own sugar had increased from 227,000 to 282,000 tons, while the consumption of the slave-labour sugar had diminished from 61,000 to 36,000 tons. Sugar was not the only thing in which their colonies had an interest. The increase would, perhaps, be found greater in other productions. They should take into account molasses, and taking 3lbs. of molasses as representing 1lb. of sugar, they would find the increase of consumption in this country had been no less than from 207,000 tons in 1844, to 317,000 during the last year, 1849. He did not stop there. The rum produced in their colonies in the average of the three years preceding 1846, amounted to 3,095,000 gallons annually, and in the three years since 1846 it had increased to an average production of 5,080,000 gallons. So the average increase of rum was no less than 2,000,000 of gallons during that period. He would call the attention of the House to a very remarkable return which was laid upon the table, upon the Motion of the hon. Member for Dartmouth, in which they would find the production of sugar in all the colonies since 1833 up to the present time. It would be found, on taking the whole of the British possessions, that in the last three years of slavery the entire production was 227,000 tons. During the whole of the period between the cessation of slavery and the introduction of the free-trade measure in 1844, the production was 204,000 tons; but during the succeeding years—during the three years preceding the Act of 1846—the production was 254,000, and in the following three years—that is, the three years succeeding the Act of 1846, and ending with 1849, 268,000 tons. There had been great changes in the production of sugar during the last three years all over the world, which placed the question on a different footing from that which it occupied before. There had been a great increase in the production of sugar, and the entire quantity produced in the world was now estimated at no less than 1,227,000 tons. Of that quantity, the English sugar produced by free labour amounted to 280,000; the French to 60,000; the Swedish to 12,000; the Manilla, Siam, and China, to 225,000; America, the maple sugar of, to 70,000; besides the produce of beet-root, amounting altogether to 697,000; while the produce of slave-labour sugar in the Spanish colonies, Brazil, and Louisiana, amounted to 530,000 tons. They had also, by their legislation, placed the question in a different position. They had very properly allowed the introduction of refined sugar from their colonies and other countries. The people of Holland demanded the introduction of their refined sugar under treaty as a manufactured article, irrespective of its place of growth; the United States of America were in the same position; and they were therefore compelled to admit the introduction of refined sugar from Holland and the United States; and how were they to distinguish whether that refined sugar was the produce of Java or Cuba—of slave labour or of free labour? Then they had repealed the navigation laws, which increased the difficulty of distinguishing between slave and free-labour sugar. If there was a cargo imported from Amsterdam or Rotterdam, how were they to distinguish between Muscovado sugar of Porto Rico or from Trinidad? And as to a certificate of origin, how could they rely on such a certificate, when the sugar had been landed at other ports and reshipped to this country? They could not agree to the Motion unless they were prepared to undo all they had done. It was unnecessary for him to refer to the inconsistency they would commit by agreeing to this Motion, while they supplied Brazil and Cuba with goods and shipping for the conveyance of their produce; and he would also remind them that the chief number of slaves occupied in Brazil was in the coffee plantations. He need not refer to the incongruity they would commit by attempting to carry out the proposition of the hon. Baronet; but he denied the possibility of their extending protection for any lengthened time to our own colonies. What would their condition be now if they had kept up the monopoly, and by so doing had kept down the consumption? They would have had a surplus of British-grown sugar, which must have found a market on the continent of Europe. They would have been thrown at once into open competition with the sugar of the whole world, and the consumption would not therefore have gradually risen as it had done. They were told that Trinidad, British Guiana, and Mauritius were capable of growing sugar for the entire consumption of this country. In the East Indies the quantity of palm trees, which were cultivated for the manufacture of sugar, was rapidly increasing, although the actual quantity yet exported from those countries was not very large in proportion to their entire production. Such was their power of production in their colonial empire, that he was quite sure that long before the period when the duties would be equalised, according to the Act of 1846—that is, before 1854—they would find themselves in the same position with regard to sugar as they now were in with regard to coffee—the protection would have worn itself out. Protection now would give an injurious impulse to the production of sugar, and thereby such a supply would be raised as would suddenly throw them down to the level of the markets of Europe, and they would thus suddenly come into competition with the slave-grown produce of the world. They only now wanted 10 per cent more production in our own possessions to raise their quantity so as to be equal to our entire consumption; and from the increase in Mauritius and the East Indies, in Singapore and Manilla, in a few years production would be encouraged to such an extent that they must very soon have a surplus. He begged to call the attention of his hon. Friend, and those who acted with him, to the effect of this resolution, if adopted, on the slave-growing countries in the world. Would it not be a proclamation to the world of the failure of their own experiment? Would it be holding out to them the slightest inducement to abolish slavery? Would they not be telling them that, with the largest market in the world, and though they were the greatest commercial country, they were unable to make free labour successful for their objects, and were obliged at this late period in the day to retrace their steps, and go back to protection to secure the interests of their own colonies? But let it be remembered that under no possible circumstances can Cuba and Brazil obtain any such protection; and we should therefore practically be telling those countries that the only condition on which they could safely abolish slavery is one of which they cannot avail themselves. He thought, therefore, on every account, they were justified in opposing the Motion, and he trusted the House would support the Government in refusing it.

MR. STANLEY: Sir, I have more than one reason for soliciting the indulgence of the House. I have never addressed you before. I shall not now address you long. I have been personally alluded to in the course of this debate; I have, also, some personal acquaintance with the countries whose condition we are discussing; and, further, I may say, that I have not in my hands one single statistical table; that I shall quote no figures, detain you with no calculations; that I shall content myself with a reply to the speeches of hon. Gentlemen who have preceded me in debate, and that to them I shall reply as briefly as I can. Sir, before I enter upon the details of this question, I must be permitted to express the astonishment which I felt—I believe, in common with many Members of this House—when the hon. Gentleman who immediately preceded me told us that it was something strange, that considering that this subject had been fully discussed within these walls only two years ago, and that the opinion of the House had on that occasion been decidedly expressed, we should now think of bringing forward again a Motion similar to that which was then rejected, and of asking this House to reverse its former decision. I listened to that opinion, not exactly with conviction, but still with profound respect. It did, indeed, cross my mind, that at a period certainly not within my Parliamentary experience, but still at a period not very remote, it was the habitual practice of that party of whose financial policy the hon. Gentleman has shown himself so warm a supporter, year after year, and Session after Session, to ask the House to reverse its decisions; to bring forward Motions which were not carried—I believe I may say which were not brought forward with any intention of being carried—which were not brought forward with any view to the effect which they might produce in the House, but which were intended to produce, as they actually did produce, their effect elsewhere. I admit, Sir, that this makes no difference as far as we are concerned, although it does make a difference in the right of the hon. Member to become our assailant: but I was somewhat surprised to hear the hon. Gentleman, not ten minutes after that expression of opinion to which I have referred, assert, that in consequence of certain facts which he stated, of certain changes which had taken place in the financial policy of the country, the whole features of the case were altered. If so, are we not, by the hon. Gentleman's own admission, justified in opening the question afresh? And, further, although I was not a Member of the House when the subject was discussed in 1848, still I have some recollection of the debate which took place on that occasion; and unless my memory very greatly deceives me, the overwhelming majority against which we are now told that it is hopeless to struggle, was, in a House then numbering between 400 and 500 Members present, a majority of just fifteen. Sir, I may also be allowed to offer one remark upon the reply which the hon. Gentleman opposite has made to the arguments of the hon. Baronet who brought forward the Motion. As I understand it, the Motion is founded mainly—I do not say exclusively—upon the admitted existence of distress in the West Indian colonies; and the hon. Gentleman replies by a careful and elaborate calculation, showing that the imports of sugar have increased, not from the West Indian colonies, but from the East Indies and the Mauritius. Sir, although this debate has now lasted for some time, I find myself the first Member who has risen from this side of the House; and, speaking in reference to an observation which fell from the hon. Baronet, and which was repeated by the hon. Member who immediately followed him, I wish distinctly and emphatically to corroborate the statement made by them, and to say that this is not a protection question, nor do we desire to deal with it as such. In taking this view of the case, I find that I am supported by many high authorities—by the authority of Mr. Deacon Hume, whom hon. Gentlemen op-

[illegible] from the father of free trade; by the authority of the Bishop of Oxford—by the authority of Lord Brougham, both of whom were at the same time active in opposition to the Bill for the repeal of the sugar duties, and in support of that which took away agricultural protection; and in this House I am supported by the authority of the right hon. Baronet the Member for Tamworth, who, although his vote was given in favour of the Act of 1846, did yet, unless I am greatly mistaken, express an opinion that the case of sugar was an exceptional one, and ought not to be placed in the general category of free trade. Sir, as regards the West India colonies, the case appears simple. One of two alternatives the House must adopt—one of two propositions the House must affirm—either it must be said that free labour can compete with slave labour in an open market, or else it must be acknowledged that emancipation has failed; that the abolition of slavery was useless; that the 20,000,000*l.* given directly to further that object, and the 20,000,000*l.* more which for the same purpose were indirectly expended, have been as utterly wasted as if they had been thrown into the sea. I know that it has been confidently asserted by some hon. Gentlemen, that free labour can compete with slave labour. The question is a difficult one to argue on general grounds; but I may refer to a very considerable authority on this subject—to the authority of Colonel Reid, the Lieutenant-Governor of Barbadoes. In a despatch, bearing date May, 1848, Colonel Reid writes as follows:—

> "In the future prospects of the planter I shall say but little, since this subject has been publicly argued out in England. I shall confine myself to recording the opinion I already gave in general terms on the 28th February 1848, supported by the information which I have collected and transmitted, that the cost of making sugar from free labour is greatly beyond the cost of making it by slave labour—that sugar cultivation cannot yet withstand competition on equal terms with slave labour and that freedom requires to be assisted with protection."

Hon. Gentlemen will recollect from what part of the world this despatch was sent. It was written from Barbadoes: from the one island in all the British colonies where the experiment of free labour can be most fairly tried, and with the best prospect of a favourable result. The soil of Barbadoes is fertile, the climate good, agricultural wages range from 5*d.* to 8*d.* per day, there is no waste land; the whole area of the island is cultivated, "squatting" is therefore impossible, and the negro has no alternative but to work as a labourer on the estates, if he wishes to earn a subsistence. Add to this that the native, from local attachment, is very unwilling to emigrate; and this, although the population is far denser than that of Ireland, and has been considered as dense as that of China. Is it possible that free labour should have a fairer trial? Yet tried it has been, and the result is attested by the despatch which I have read. And if such be the case in Barbadoes, what will it be in Jamaica, in Trinidad, in British Guiana? Take the case of the last named colony. Guiana, according to Sir Robert Schomburgk, can support a population of 50,000,000 inhabitants. The area of cultivable land falls little short of 100,000 square miles. There is no more fertile soil in the world: communication is supplied to every part of the colony by means of navigable rivers; and, nevertheless, the actual population of Guiana does not exceed 70,000, or rather more than half that of Barbadoes. It is evident then that the number of the labouring class in Guiana is disproportionately small: and of these labourers there are not many from whom the proprietors can obtain any work; for not to speak of the facility with which subsistence can be procured without labour of any kind, and the known unwillingness of the negro to work in a tropical climate, even in the case of those who are industriously inclined, it is a hundred chances to one that they do not look for employment on the sugar estates. Land is cheap, they can buy on easy terms; still more easily they can obtain a farm on lease, and if disinclined to incur even this expenditure, they have only to ascend any one of the rivers, to a distance of 100 or 200 miles, and to settle in the backwoods wherever they please. Hon. Gentlemen have said that immigration will remedy these evils; and doubtless, by that means, a supply of labour may be obtained unlimited in point of amount: but how can it compete in cheapness with that of the slave? To affirm this, is to affirm that the condition of the emigrant is not better than that of the slave; a state of things which, I cannot imagine that the Government of this country should consider desirable, and which, whether they do so consider it or not, is very far from being actually the case. Where is the immigration to come from? The supply of African labourers is very small, consisting only of liberated Africans; and small as it is, it is far too uncertain to be relied upon. You are, therefore, driven to have recourse to Coolie labour: these Coolies are to be brought from the East Indies, a distance of 15,000 miles—they are to be brought half across the globe—and by the existing law, one which I do not complain of, the planter introducing these labourers is bound at the expiration of their term to give them a free passage back again—I need hardly say, at a very considerable expense; nor is this all. In the interval, the planter provides them with food and lodging—all that is received by a slave—and into the bargain he has to pay them their wages in money: while, receiving the advantages of a merely temporary contract, he is bound to make the same provision for their maintenance and support which the labour proprietor makes for the slave, who is his permanent property. How, then, can any competition exist between the two? Is the African squadron, by checking the slave trade, and thus diminishing the supply while it increases the price of Cuban labour, to establish an equality? Surely it is not difficult to prove—we have had proof, indeed, in the course of this very Session—that the African squadron has not answered its purpose. I cannot believe that any armed force in the power of any Government to employ, will succeed in putting down the traffic, when one successful trip is sufficient to cover the losses incurred by five failures. We have had in our own times one signal and memorable proof of the inefficacy of any such attempt. For years Napoleon Buonaparte endeavoured to blockade the continent of Europe; and on all hands it has been admitted—history proves it; it was acknowledged even by the author of that system himself, that the continental blockade had failed. Sir, I cannot believe either that the African slave trade is less remunerative than the commerce then carried on with the Continent, or that the African squadron is a more efficient force than were all the armies of imperial France. A few words more, and I shall sit down. It is not as a set form of speech—it is in no rhetorical phrase—it is in simple and sober earnest that I would ask of this House, clearly to set before their eyes and well to consider what it is that they are doing to-night. I know something of the opinions of the transatlantic colonists; and I tell you now, that throughout the wide range of that colonial empire, with all its diversity of climates, countries, races—from Canada to Jamaica, from the St. Laurence to the Essequito, there exists in the minds of thinking men but one all-pervading and predominant feeling: a feeling—call it unreasonable if you will, but in a high-spirited, a dependent, and on both accounts a sensitive people, you cannot call it unnatural—of distrust in the policy and disbelief in the attachment of the mother country: and with that feeling a growing conviction—whether just or unjust, well or ill founded, I will not say, that their claims will always be neglected, and their interests sacrificed, for any real or imaginary necessity of party policy at home. And have not the West Indians good cause for such belief? Look back to their early history—it was England that made Jamaica a penal colony; England, which against their will forced slavery upon them, and in opposition to their repeated petitions, compelled them to carry on the slave trade; against their will England abolished that traffic. [*Cries of* "Oh!"] I am not saying that she was not justified in so doing; I do not mean to complain of her policy in that particular instance; I am merely pointing out its general inconsistency, and the injustice of visiting upon the colonists the faults of the mother country; and, lastly, in that crowning stroke of all, in the Emancipation Act of 1833, when slavery was put down altogether, she granted, as compensation, a sum which, though high for her to give, was yet nothing for them to receive. Let the House consider for a moment how the case stands. It was distinctly stated by the Government which passed the Emancipation Act, that the planter should be compensated in full. I say "compensated in full," because it is impossible to suppose that the principle of compensation once granted, it should be merely compensation by halves. There were many persons at that time in the country, and some in the House, who thought that the colonists, having at no time been justified, even under the sanction of the law, in holding slaves, ought to be deprived of them without any compensation whatever. That view of the case was distinctly put forward, and as distinctly rejected; it was decided that the planters were to be compensated, and, as a matter of course, it followed that they were to be compensated in full. Now, what was actually done? Commissioners were sent out to value the slave property of the West Indies. They returned its value at 43,000,000*l*. Of this sum, 17,000,000*l*. alone were paid down; and for all that enormous amount of fixed property—buildings, improvements of estates, machinery, and other articles in their very nature irremoveable, the aggregate value of which was reckoned at 80,000,000*l*., and which fell to little more than half that value immediately after the passing of the Act—for the loss on these investments no compensation whatever was given. Does it not follow that some further compensation was owing, and that such compensation could only be given in the shape of a protective duty? Sir, I have no wish to argue this as a colonial question. I do not dispute the power, I do not deny the right, of Parliament to ruin our colonies by the course of commercial policy which they are pursuing; but one thing we have a right to expect, that for the sake of this House—for the sake of the country—for the sake of the honour and consistency of the Legislature—there be no half measures taken — no indirect or underhand mode adopted to accomplish the object which you have in view. Do at once—do openly—do avowedly—do in the face of the world, what you are not ashamed to do at all. Call the slave trade, as it was once called in this House, a humane and profitable traffic. Designate slavery, as some politicians in the Southern States of the American Union designate it now, as a "glorious institution handed down from our fathers." Apologise to Cuba—apologise to Brazil—for the wanton and unmeaning injuries which your squadron has inflicted upon their commerce. Assure them that, with their harmless and laudable pursuits, with that enterprising traffic which they carry on with the African coast, you never will attempt to interfere again. Do all this; but do not mock, with any professions of sympathy, those whom your policy tends to ruin; do not affect a philanthropy which every act of yours goes to disprove; do not stand forward at one and the same time as the supporters of liberal institutions at home, and abroad as the enemies of negro freedom.

MR. HUTT said, that he had listened with great attention and pleasure to the very eloquent speech just delivered by the hon. Member, but so differed with him in the view which he took upon the subject, that it was his intention to vote against the Motion of the hon. Baronet the Member for South Essex. The regulation and settlement of the sugar duties were forced upon the present Government on their entrance into office under circumstances of pressing and extraordinary difficulty. It was impossible to refuse to apply to sugar the commercial policy which we had adopted; we were importing other slave-labour productions, and it was thought that our engagements with Spain took it out of our power, after the Act of 1845, to keep out slave-grown sugar. The only question was, under what circumstances the foreign sugar of all the world should be admitted into competition with British plantation sugar. He always was of opinion that no settlement of the sugar duties could be satisfactory which did not comprise a due consideration of the unfortunate circumstances of the West Indies, and some rational mode of dealing with the suppression of the slave trade. We had philanthropists who were for maintaining a squadron, which stimulated the slave trade by the spirit of gambling it induced; who were content to have large commercial transactions with the southern States of America, but who expressed great indignation at our intercourse with other slaveholding States. This kind of geographical humanity was difficult to understand. It would not do to draw fine distinctions between sugar and tobacco and cotton; we must not have two standards of right and wrong, or indulge a favourite sin. It was not proposed that we should set about excluding all the productions of slave labour; yet, if it was wrong to deal in them, the principle applied to all—to the copper of Cuba, the gold of Brazil, and to the rest. But even slave-grown sugar was not proposed to be excluded entirely; it was thought there would be no harm in taking a little of it under a high duty. It was said the sugar trade stimulated the slave trade; but so did the copper trade; and did not the cotton trade stimulate slavery? Dr. Lushington, before the Committee, said that the demand for sugar was growing to a height at which no squadron in the world could keep down the slave trade. And Mr. Burke, with his usual wisdom, foresaw that the slave trade could only be put down in the country that imported slaves. But that was the only course we seemed determined not to adopt; we would do nothing but what was to be done by violence and coercion. The hon. Gentleman opposite said, this was not a protection question; but it was to be feared it was so regarded by a very large number of those who would support the Motion. No doubt the treatment which the West

Indies had received from this country was such as they had just reason to complain of; when one considered all that had passed since 1832, one might think one's self to be reading of some of the worst acts of the most irresponsible governments in the world. These colonies had a right to every consideration, if not to direct compensation. To one thing, however, he could not agree; he could not agree to abandon a great national policy, which he believed to be most beneficial and of the utmost value to every portion of the empire; a policy established by years of conflict and of labour, and by some of the most serious personal sacrifices ever made by public men.

SIR J. PAKINGTON said, he approached the subject with undiminished sympathy for the sufferings inflicted on our colonies, and with undiminished indignation at the extent of the discredit which, in his opinion, had been thrown upon the national character by the policy which had been pursued for the last few years towards the West India colonies. He wished to give his most decided and cordial support to the Motion before the House. He agreed with what had fallen from the hon. Member for Lynn, who had addressed the House with so much ability, in the opinion that this was not a party question; and he would say that if the Motion were not carried, it would be entirely the result of that unhappy state of parties in the House to which their legislation had for so long a period been sacrificed. If the Motion of the hon. Baronet were carried, he should feel it his duty to move for a Committee of the whole House to take into consideration the Sugar Duties Act of 1848. The Motion, as it at present stood, came before the House in an incomplete shape; it was merely an abstract resolution, declaring it unjust and impolitic to expose the sugar of our own colonies to unrestricted competition with the sugar of slave-trading countries, and did not state in what manner that competition was to be prevented from being carried on. In the Amendment which he had intended to bring forward, he had adverted to the distinction made by his right hon. Friend the Member for Tamworth between foreign free-grown and foreign slave-grown sugar. But Her Majesty's present Government, when out of power, had pledged themselves so strongly to their view of the effects of the "favoured nation" clause, that they were obliged to adopt it when they assumed the reins of office. They could not get rid of the difficulty which their previous course, while in opposition, had occasioned; and another difficulty was presented by the repeal of the navigation laws. Moreover, they had failed to enforce the treaties entered into with Spain and Brazil for the purpose of putting down the slave trade. Under existing circumstances, therefore, it was impossible to maintain the distinction between foreign free-grown and foreign slave-grown sugar; but he should propose that the protective duties should be arrested in the descending scale for a certain number of years, and that at all events the differential duty between colonial and foreign sugar should not descend lower than at present. He could not look, without the greatest dread, to the equalisation of the sugar duties in 1854. The hon. Member for Westbury had asked whether we would hold out to the world an example by altering our policy? In reply he would ask the hon. Member how often our policy on the sugar duties had been altered? He would ask the House to call to mind the alteration which was made in 1848, in reference to the disastrous Act of 1846. The Government found it impossible to adhere to that Act, and they made an alteration, under which our colonies were enjoying 3*s.* 6*d.* more protection than they did under the Act of 1846, and by which the equalisation of the duties was not to take place till 1854, instead of next year, and at 10*s.* instead of 14*s.* He believed that, before 1854 arrived, Her Majesty's Government would find the pressure of distress so great in our colonies that they must make other alterations. He hoped he should be able to show the House that there was no foundation for the flattering picture which the hon. Member for Westbury had drawn of the condition of our colonies, and that though the hon. Member had been able to satisfy the House that the importation of sugar had not fallen off in point of quantity, our sugar-producing colonies were still in a most distressed state., He should not permit the hon. Member, by his references to our trade with the East Indies and Mauritius, and still less by his references to Ceylon coffee, to draw him away from the real question in debate—namely, whether it was possible for the West India capitalist to compete with slave labour in the production of sugar. In the East Indies a great deal of sugar was grown for consumption in that country, and the surplus would always find its way to England; but, in the first place, it must be borne in mind that it had found its way there under the protection of the Act of 1848; and, secondly, that the importation of sugar was being carried on at a loss of several pounds per ton. With regard to Mauritius, the state of that country was peculiar. They all remembered the lamentable failures which took place in 1847, and the large capital which had been embarked there; and it must be remembered also that they had from the East Indies a large supply of Coolie labour, and that production had been further stimulated by the Act of 1848. He believed that in this manner the increased importation might be easily accounted for. But these were not the points on which he wished to dwell, which was the state of the West India colonies. He admitted that since 1848 a very considerable fall in wages had taken place there, varying from 30 to 50 per cent. In Trinidad the reduction was 40 per cent, and in Jamaica 30 per cent. He admitted also that the present Government had removed some of the vexatious restrictions upon the importation of labour; and he gave the noble Earl the Secretary for the Colonies the credit of endeavouring at last to make some alteration in the labour laws. He admitted also that importation had increased, but it had been attended with considerable loss. In the last three months the foreign sugar entered for home consumption was 185,000 cwts. instead of 90,000 cwt. for the corresponding period of last year; while the British colonial sugar entered for the same period had been only 19,800 cwts. as compared with 22,900 cwts. in the corresponding period of last year. Whatever satisfaction, therefore, the hon. Member might have derived from the increased importation of colonial sugar, must fail him entirely at the present moment. There was another point to which the hon. Member for Westbury did not advert, but which lay at the very root of the question, and that was the price at which colonial sugar was sold. In 1846 the price of Muscovado sugar without the duty was, according to the *Gazette* average, 34*s.*5*d.*; in 1847 it sank to 28*s.* 3*d.*; in 1848 to 23*s.* 8*d.*; in 1849 it rose to 25*s.* 4*d.*, and taking the average of the last eight weeks it was 24*s.* 1½*d.* The evidence furnished by Lord Harris's despatches showed that, although the importation of colonial sugar was large, neither the profits nor the prosperity of the colonists increased. According to his statement, though there had been an increase of the crop in Trinidad, yet, from 1838 to 1848, the loss to the British capitalists had been a million sterling. Again, in the spring of 1849, Lord Harris stated that the value of the exports had suffered a very great reduction. Mr. Barkly, speaking of British Guiana, held the same language. The hon. Member for Westbury had adverted to the comparative increase in the quantity of rum, but he had made no mention of the fall in the price. In 1848 rum was at from 3*s.*2*d.* to 3*s.* 6*d.* per gallon, while now it was at from 2*s.* 3*d.* to 2*s.* 8*d.*—a fall of very little less than one-third of the price of one of the most important items in a sugar estate. The hon. Member for Westbury had referred to the large importations of sugar from the West Indies as a proof of their prosperity, and seemed to deny that any material increase had taken place in the importation of slave-grown sugar.

Mr. J. WILSON had spoken of the quantity of slave-grown sugar taken for home consumption with free-labour sugar. He had never alluded to the quantity imported, because it was often imported for the purpose of being re-exported to the Continent.

Sir J. PAKINGTON felt that this was a point, nevertheless, which required their attention. In 1831 the West Indian colonies exported 205,000 tons of sugar; in 1848 the quantity had diminished to 139,000 tons; and in 1849 the produce was 142,000 tons. The hon. Member for Westbury estimated the crop for 1850 at 135,000 tons; but he (Sir J. Pakington) did not believe that it would exceed 112,000 tons. On the other hand, he found that in Cuba the average crop, up to 1845, amounted to 84,000 tons, while in the four years from 1846 to 1849, the exports had risen up to 176,000 tons. The exports from Brazil, in the four years from 1842 to 1845 had been, on the average, 69,720 tons; but in the four years from 1846 to 1849 the figures were reversed, and the exports amounted to 96,000 tons. He would now call the attention of the House to the condition in which the West India colonies now were. In an able pamphlet, published within the last few days, his hon. Friend behind him, the Member for Lynn, spoke thus of British Guiana:—"I was prepared for desolation, but not for what I saw. The whole land was strewn with ruins of houses and mills, and those not old, but new buildings." This was the account which his hon. Friend gave of the state of things in existence only the other day in British Guiana; and Governor Barkly, writing at a date a little antecedent, said the same thing. The hon. Member for Lynn, in the pamphlet before referred to, mentioned ten estates which were sold in British Guiana at different periods between 1835 and 1844. The aggregate value was 155,000*l.*, but they had been again brought to the hammer within the last three years, since the Sugar Act of 1846 had been brought into operation, and the amount which they fetched was 17,000*l.* His hon. Friend said also that in passing through the parish of St. Ann's, in Jamaica, an estate of 800 acres, free from incumbrances, which was said to be in the market for 60*l.*, became the subject of conversation. His hon. Friend observed, that though he was prepared to believe much, yet this was beyond his credulity, and it was not till some weeks afterwards, when a friend of his told him that he had actually bought the estate for the sum mentioned, that he could be induced to look upon it as anything more than a fiction. He would now advert to the dreadful effect produced on the Creole population in the West India colonies. If Government persevered in their present policy every hope would fail of improving their religious condition, and they must again relapse into a state of barbarism. The right hon. Gentleman opposite, the Secretary at War, lately presided at a meeting of the Wesleyan Missionary Society, at which a report was read, of which he presumed the right hon. Gentleman approved, as he would not allow an Amendment to it to be put. That report stated expressly, that a very deteriorating effect had been produced upon the religious character of the coloured population by the distress to which the colonists had been reduced; and Earl Grey himself, in an answer to a despatch from Governor Barkly, admitted that it was melancholy to find that the negroes had rather retrograded than improved, and that they were as a body less amenable than formerly to the restraints of religion and law, and were as much subject as ever to the degrading superstitions which their fathers had brought with them from Africa. He now begged to call the attention of the noble Lord at the head of the Government to the opinion of Dr. Lushington on the Act of 1846, namely, that it must have the effect of largely stimulating the slave trade, by increasing the consumption of slave-grown sugar. He would next refer to the opinion of the right hon. Gentleman the Member for the University of Oxford. In the debate which took place upon the subject of withdrawing the African squadron, the right hon. Gentleman said, that if we wished to maintain a character for sincerity in our desire to put down the slave trade with foreign nations, we should never have passed the Sugar Bill of 1846. The last authority to which he would refer would be that of the noble Lord himself. He would beg to remind the noble Lord of the language he had used in the debate upon the keeping up of the African squadron. He had then distinctly admitted, that by the Sugar Bill of 1846 we had placed the colonies at a great disadvantage, and by that Act a very great blow had been inflicted upon them. But by whom had the blow been inflicted? Why, by the Government of which the noble Lord was the head. He (Sir J. Pakington) had never given a vote with less hesitation than when upon that night he voted with the noble Lord. But at the same time he must say, that he had heard with sorrow and surprise, the appeal to the Almighty which the noble Lord had made upon that occasion, considering that it had come from the lips of the Minister who had done more than any living man to stimulate the slave trade. ["Oh, oh!"] It was a grave charge to make, but it was one which he made with no feeling of personal disrespect. He was sorry to be obliged to speak so; but the noble Lord being at the head of the Government which had passed the Act of 1846, and he having again and again defended that Act, and being again ready, as they had every reason to believe, to defend and support it again that night—he (Sir J. Pakington) said, that he was justified in saying that the noble Lord had done more than any living man to stimulate the slave trade. If they sincerely wished to put down the slave trade, they should carry out their policy with singleness and steadiness of purpose, with sincerity and honesty, or they could not expect any blessing to attend it. They could not expect the blessing of Heaven to attend the policy of this country so long as with one hand they lavished their money in keeping up the appearance of a squadron on the coast of Africa, whilst with the other they were inviting, and giving every encouragement to the practice of slavery. They could not expect any such blessing whilst with one hand they drew the sword to put an end to slavery, and with the other did everything to encourage it. That policy must be reversed, and he hoped some day to see this country acting in a manner which should not involve suspicion of its honour—in a manner which would not involve suspicion of its sincerity—in a manner which would exhibit this nation to the world as one not guided merely by motives of gain, which would show to the world that we could not be led solely by pecuniary considerations, but that we were determined, at any cost, to put an end to slavery and the slave trade.

The CHANCELLOR of the EXCHEQUER said, he was not surprised that the hon. Baronet who had just resumed his seat, commenced the observations which he addressed to the House by avowing that he should support the Motion, though it fell far short of the principles which he laid down; and though the views of his hon. Friend who had brought the Motion before the House were as different from the views of the hon. Baronet as it was possible to conceive. No man who knew his hon. Friend doubted his assurance that he brought forward no party Motion, and that he was influenced only by the great principle of discouraging in every possible way the slave trade and slavery. But the Motion of his hon. Friend came far short of the principle which he had avowed. His hon. Friend had now reduced his Motion to express an opinion that colonial sugar should not be exposed to unrestricted competition with that produced in foreign slave-trading countries. Where the principle was to be found that enabled his hon. Friend to draw the distinction between those slaves brought across the Atlantic, and those brought from Virginia to Carolina, and worked in sugar plantations there, he was at a loss to know. His hon. Friend did not profess to deal with sugar produced by slave labour in those countries which were not slave trading. His hon. Friend said, he who bought slave-grown sugar was as guilty as he who bought the slave. Then was not he who bought slave-grown coffee as guilty as he who bought slave-grown sugar? And where the hon. Member for Droitwich drew the distinction between slave-grown sugar and slave-grown coffee, passed his (the Chancellor of the Exchequer's) comprehension. He was afraid that his hon. Friend must feel that, upon his own principles, he, too, was as guilty as those whom he so strongly condemned. But the principles on which the hon. Member for Droitwich had supported the Motion of his (the Chancellor of the Exchequer's) hon. Friend, were totally at variance with those his hon. Friend himself had laid down. What his hon. Friend had laid down was to exclude the sugar of Cuba and Brazil. And he should have been prepared to argue as had been argued before, and, indeed, had been alluded to that day, that by the admission of free-labour sugar from the continental market, they just as certainly, though not as directly, encouraged the production of slave-grown sugar, as if they admitted it into this country direct. But his hon. Friend opposite had saved him the trouble of arguing this question, for he threw over that distinction altogether. The hon. Member for Droitwich had a charge against the present Government that they had hampered themselves by a declaration, when in opposition, that it was impossible to maintain the distinction. The hon. Member also said, it was impossible to make the distinction, and he proposed, therefore, to put all foreign sugar on the same footing. But what said his hon. Friend the Member for South Essex? He said that the object of his Motion was not to impose any differential duty on foreign free-labour sugar. And the Anti-Slavery Society would admit to the market of this country foreign free-labour sugar, as was stated by their circular of that morning. The whole ground on which the Motion was brought forward by the Member for South Essex, was entirely thrown over by the hon. Gentlemen opposite who supported it. And on what ground did the hon. Gentleman support it? Why, the hon. Member for Lynn, who addressed the House with so much ability to-night, said it was entirely a question of protection. But on what ground was that protection to be given to East India sugar? East India sugar had no claim to protection from the abolition of slavery. Did the hon. Gentleman intend to extend protection to the East Indies or to Mauritius? or did he propose to give it to the West Indies alone? The hon. Gentleman, in the way in which he had put the question, had entirely confounded and confused the whole argument on which the Motion rested; he threw over the argument on which the Motion was brought forward by his hon. Friend behind him, and he left no ground to stand upon except that of protection to colonial sugar against all foreign sugar. The hon. Gentleman the Member for West Gloucestershire would go further than either; he would exclude all slave-grown produce of whatever kind. The object, therefore, of the hon. Gentleman and of those who were about to vote with him was, after all, protection; to raise the price of colonial sugar to the consumer in this country. That he was not prepared to do himself; and he hoped that House was not prepared to do it. His hon. Friend the Member for Westbury had stated the benefits which the consumer in this country had derived from the increased quantity of sugar imported here within the last few years; and he begged to repeat part of the statement which his hon. Friend had made. The consequence of the alteration in the law had been a largely increased entry of sugar for home consumption within the last two years. For fifteen years before the year 1844, the consumption of sugar had been under an average of 200,000 tons per annum. In the year 1844, it was 206,000. In 1848 and 1849 it had increased by 50 per cent. It amounted in each of those years to 300,000 tons. And how had the benefit of that consumption been procured for the people? Why, by the reduction in the price. And if they were to raise the price, they would deprive the consumer of all the benefit which legislation had of late years conferred upon him. But there was a still further objection to the plan of the hon. Gentleman opposite. By restoring protection generally, they would injure the consumer without succeeding in discouraging the slave trade. In 1840 the price of sugar was very high. It would, therefore, not be fair to take that year as the foundation of any argument. But he would just state that the consumption of sugar per head of the population of this country amounted in 1840 to about 15 lbs. The average for the next four years was 17 lbs. per head per annum. In 1845 it was 20lbs. In 1846, 21 lbs.; in 1847, 23 lbs.; in 1848 and 1849, upwards of 24 lbs. Now, the increased consumption was surely a great benefit to the people of the country; and whilst the checking of it would greatly injure the people, it would not do much to discourage the slave trade. He presumed that no one would for a moment doubt that this increased consumption was a great benefit to the people of this country—that it was a great advantage to them to be enabled to raise their consumption of sugar from 15lb. to 24 lb. But the question beyond this was one of great importance. Let hon. Members look to the effect of this change upon the West Indies themselves. He agreed with his hon. Friend the Member for Westbury in thinking that a more unfortunate measure for them could not be adopted. He was sorry to be obliged to say that there was very considerable distress existing in those colonies. He was sorry that distress should prevail to such an extent in some of them. No one could sympathise more than he did with them, and no one would be more anxious than he to give them relief; but having submitted to the Act of 1848, and having acted upon it as a final settlement of the question, he should say that those colonies had exerted themselves to a degree of which many did not think them capable. He should briefly allude again to the statements made regarding them by his hon. Friend the Member for Westbury. His hon. Friend had stated that which was a proved fact—that the produce of all the British colonies in the East Indies, Mauritius, and the West Indies, had been considerably increased in the course of the last two years. All the facts were before the House in the returns which were on the table. The hon. Member for Dartmouth had moved for returns, which were now before them, of the quantities of sugar imported from the colonies for a series of years; and, comparing 1848 with 1849, there appeared to have been a steady and manifest increase in the quantity imported from Antigua, Barbadoes, Jamaica, St. Vincent, and Trinidad. Taking the importation from the whole of the West India islands, it had increased from 2,794,000 cwt. in 1848, to 2,840,000 in 1849. But hon. Gentlemen seemed to say that there would be a falling-off in the present year. What the year might turn out finally, it would be impossible to say; but he could state the returns from British Guiana (that colony which was said to be so utterly ruined) for the first quarter of the year 1849 was 7,920 hogsheads; while, in the corresponding period of 1850, it was 9,336 hogsheads, showing an increase of 1,416; and an increase not perhaps always precisely similar in amount, but pretty nearly so, might be found to have occurred in all our possessions where sugar was produced; yet the reverse of all this had been predicted: it had been predicted that Ceylon would be a desert, that Mauritius would be a waste — and yet those prophecies, so confidently made and so implicitly relied upon, had been falsified within the short space of two years. The hon. Member for Westbury, in his statement, certainly did not omit the West Indies, and in comparing periods of three years, gave statements, the result of which showed an increase of production and of exportation from 127,000 tons to 148,000 tons, the increase being in the three years subsequent to the Act of 1846, as compared with the three years preceding that measure. But, further to show the insufficient ground on which the Motion of the hon. Baronet rested, he should call the attention of hon. Members to the average importation of sugar from the West Indies during the five years ending 1844, and the five years ending 1849. The details were as follows:—Antigua, five years ending 1844, 177,727 cwt.; five years ending 1849, 180,737 cwt.; Barbadoes, ending 1844, 290,873 cwt.; ending 1849, 402,987 cwt.; Trinidad, ending 1844, 282,000 cwt.; ending 1849, 385,000 cwt.; St. Kitt's, ending 1844, 89,000 cwt.; ending 1849, 107,000 cwt.; St. Lucia, ending 1844, 55,000 cwt.; ending 1849, 70,000 cwt.; Guiana, ending 1844, 522,000 cwt.; ending 1849, 572,000 cwt.; Jamaica, ending 1844, 602,000 cwt.; ending 1849, 665,000 cwt.; Mauritius, ending 1844, 591,000 cwt.; ending 1849, 907,000 cwt.; aggregate of all colonies, including the East Indies, five years ending 1844, 3,925,000 cwt.; ending 1849, 5,072,000 cwt. The next point to which he should solicit the attention of the House was the comparative operation of slavery and freedom—the productiveness of free labour as compared with slave labour, and he should take the six years ending in 1834 for the purpose of comparing them with the six years ending in 1849, the quantities being, in cwts.:—Antigua, 1834, 175,000; 1849, 188,000; increase, 12,000. Barbadoes, 1834, 343,000; 1849, 390,000; increase, 47,000. Trinidad, 1834, 310,000; 1849, 366,000; increase, 56,000. The question so often discussed in these debates, was, what might be done by means of free labour; and that question was one which he conceived those statements fully answered. It was scarcely necessary for him to go over the ground that his hon. Friend the Member for Westbury had already traversed; but as the House was now more full than when his hon. Friend addressed them, he would say it had been clearly shown by him that the consumption of colonial sugar had increased, while the consumption of foreign sugar had fallen off. He should now trouble the House with only a few more details, for the purpose of contrasting the effects of slavery with freedom, as shown in the consumption of colonial and foreign sugar during the last four years; and as the duties changed on the 5th of July in each year, he would take periods ending on that day in each year, estimating the consumption for the last two months of the year which would end on the 5th of July next, at the same rate as for the first ten months. The consumption of sugar then was as follows: In 1846-47, colonial, 227,000 tons; slave-grown, 61,000 tons; 1847-48, colonial, 242,000 tons; slave-grown, 39,000 tons; 1848-49, colonial, 251,000 tons; slave-grown, 48,000 tons; 1849-50, colonial, 282,000 tons; slave-grown, 36,000 tons. The average importation from the West Indies, 1844-5-6, was 127,000 tons; 1847-8-9, 148,000. Thus it would appear that during the operation of the Act of 1846—that Act which hon. Gentlemen opposite would have them believe checked the progress of West India improvement, and inflicted a most severe blow upon West India prosperity—that during the operation of that Act the quantity of colonial sugar imported into this country had increased from 227,000 tons to 282,000 tons, while that of foreign sugar had fallen from 61,000 tons to 36,000 tons. These facts appeared to him to be well worthy of the attention of the House; and his belief was, it would in the end, as had always been maintained by the opponents of the slave trade, be found that slave labour was inferior to free labour. He agreed with the hon. Member for Montrose, that protection would not save the West Indies, but increased cheapness of production would; and the duty of the Legislature was to afford the colonies every facility for augmenting the means of cheapness. Now, reference had been made to the Dutch colony of Surinam; and there, it was not unworthy of observation, the proprietors of sugar estates were beginning to think that free labour was more profitable and advantageous in all respects than that of slavery. Surinam was on the verge of our possessions, and appeared to be likely very soon to follow our example. They and others were about to discover that the way to cheapen sugar was to abolish slavery. The hon. Member for Lynn had quoted a passage from the despatch of the Lieutenant Governor of Barbadoes, to prove that in Barbadoes, where the trial of free labour was certainly made under the most favourable circumstances, cultivation by free labour had failed. If the hon. Member had read to the conclusion of the paragraph in the Governor's letter, he would have seen that the Governor's opinion did not warrant that assertion. He should take the liberty of reading a few additional words from that despatch, because, though the writer had been represented by the hon. Member as holding that free labour might fail, yet the following portion of the despatch would show that an exception was at any rate made in the case of Barbadoes :—

> "How long that time should be, your Lordship will understand that I cannot say. If there be no protection, the cultivation of sugar will be given up further in Grenada, and it will dwindle in all the Windward Islands, excepting Barbadoes."

With that passage in the hands of the hon. Member, how could he say that the experiment of free labour had failed in Barbadoes ? He also held in his hand another paper, as to another important colony—Trinidad—with a quotation from which he should trouble the House ; it appeared in the *Times*, in the month of December last. It was in the following words :—

> "Labour was abundant and cheap, and the *Trinidadian* says, that fieldwork was never so cheaply performed in the island as at the present day, not even when slavery was at its zenith."

Such facts could not be got over, and they clearly proved that with a fair supply of free labour, production might be as cheap or cheaper than where slavery existed. At the same time, although the Government were not prepared to adopt the plan of buying slaves in Africa for the purpose of setting them free in the West Indies, they were prepared to grant any facilities short of that which was only another mode of carrying on the slave trade. The only means similar to that which had succeeded was, when the expense was incurred of importing liberated Africans. The Government had, in one way, afforded an addition to the free labour in many of our colonies. They had taken upon this country the expense of the conveyance of the liberated Africans, and during the last three years there had been a gradual increase in the number of liberated Africans imported into the West Indies. In 1847, the number was 1,097 ; in 1848, 3,148 ; in 1849, 4,762. It was also right the House should remember that at present there were not unsatisfactory accounts from many of the colonies. He was far from saying that distress did not prevail in the West Indian colonies ; but in Trinidad he found, from a despatch of Lord Harris, dated February 29, 1850, that the revenue, the exports, and the imports had all increased during the last year. In Guiana, the import duties, which amounted to 23,191 dollars for January, 1846, were in January, 1847, 22,506; 1848, 27,685; and 1849, 46,195 dollars. His hon. Friend the Member for South Essex had brought forward his Motion with a view of discouraging the slave trade, and, in his hands, it had no reference to protection. But these were not the grounds upon which the Motion had been supported by hon. Gentlemen opposite, who had advocated protective duties against the admission of all foreign sugar whatever. But he hoped that the House would take into its consideration not only the supposed interest of the planter, but the real interest of the consumer at home. He did not believe that it was really for the interest of the West Indies that protection should be restored. Looking to what was going on in the West Indies, in the exertions which were being made, and successfully made, to cheapen the production in the colonies, and to adopt a better cultivation of the lands, he trusted that they would not, by acceding to this Motion, check the active spirit of enterprise that was going on, or induce the hope of a return to protection, which he firmly believed would be most prejudicial to those whom it professed to benefit, whilst no one could deny the injury which it must cause to the large consuming population of this country.

Mr. GLADSTONE: Sir, the hon. Gentleman the Member for South Essex, from motives for which his name, quite independently of his character, is a sufficient guarantee, has invited the House to resume the consideration of a question the difficulties of which increase with every step we take. In 1848, the last period at which this subject was opened up, we had before us the question—not whether we ought to maintain the settlement of 1846, because that settlement its authors proposed themselves to abandon — but whether we ought to introduce a fixed system of protection on the one hand, or adopt on the other a scale of duties which was proposed by the Government, and provided a progressive descent in the differential duties—at first indeed a very slight descent, and one of which the effect has, therefore, not been yet experienced, but a descent which after another year will become a rapid one, and from which, unless the House interfere, you may anticipate a continuance of the present pressure. In 1848, I, in common with some Gentlemen on this side of the House, did give a vote opposed to the proposition of the Government, for the purpose of extending a larger measure of protection to the West Indies; and to that vote on the present occasion, for reasons which I shall shortly explain, I find I shall be bound to adhere. The words of the Motion of the hon. Gentleman might afford me the means of escape, as the terms of the Motion place in the same category the whole of the British possessions. But it is perfectly plain that every extension or augmentation of protection—at all events to East India sugar and to Mauritius, where there is no artificial scarcity of labour—that every extension or augmentation must be considered in the principle of protection; and I am not prepared to advise any such increase or extension in their case. The case you really have is the case of the West Indies. And I freely and fully admit it is one of the broad difficulties of the question, that when we extend protection to the West Indies in consideration of peculiar circumstances of a temporary nature, we may be likely to extend it to other portions of the empire which can prefer no such claim. But the case of the West India Islands before the House is the same as it stood in 1848, only with the danger nearer, with the suffering aggravated, but with the grounds of justice the same, and with the grounds of policy, in my understanding, clearer and broader. Sir, we recollect the crisis through which the West Indies have passed, presenting a great industry and a great interest not suffering and complaining merely, but absolutely ground down and reduced to total ruin by the legislation of this House. You began with emancipation, which implied a great and vital alteration of West Indian society, and a change which, if it had been conducted with no more tenderness or wisdom than some of our more recent changes, would at once have precipitated these colonies into ruin. The noble Lord, now in the other House of Parliament (Lord Stanley), then acting as the organ of Earl Grey's Government, by his energy and wisdom so adjusted the details of that measure, that while no man on this side of the water ascribed other than the proper motives, even the planters were convinced that the utmost had been done by him; and within the last few days and hours the public have had a double proof that the talent and disposition which then governed the proceedings of the noble Lord, and which made them successful, have descended on his son. It is true—and this must be a source of consolation to the philanthropists by whom the change was advocated—it is true that it is not the emancipation of the negro that has ruined the West Indies. For what occurred during the period succeeding emancipation, the philanthropists are not responsible, nor are they responsible for the ruin and disaster now at work. But what was done after emancipation? The Government of Lord Melbourne sent out the most precise directions to the West India colonies, commånding them to postpone to the latest moment the introduction of all that preparatory legislation known to be indispensably necessary, with respect to police and the internal organisation of the colonies during the apprenticeship. You desired and obliged the colonists to postpone every act of precaution. In 1837 a Committee of this House recognised the Emancipation Act as containing a solemn contract with respect to apprenticeship until 1840; and you saw it stated in the report of that Committee that nothing could be more disastrous and mischievous than to shake the public confidence with respect to that contract. Having so acted in 1837, in 1838, by your own proceedings, and by an injudicious and hasty vote of this House, you compelled the West India colonies to give up the remainder of that apprenticeship you had guaranteed; you not only deprived them of the pecuniary interest of two years of coerced labour, but, having postponed preparation, you obliged them to plunge unprepared into the new state forced on them. And what did you do also with regard to labour? I confess I cannot agree with the censure which the hon. Member for Montrose passed upon the present proceedings of Her Majesty's Government. I think the difficulties attending the wholesale importation of labour to the West Indies greater than he regards them, and I think the Government wishes to facilitate that introduction. But, Sir, what I should not attribute to the Government I do attribute to the state of public sentiment in this country. There was a time—but it is now gone by — when, by seizing upon the opportunity, you might have produced the most important consequences by introducing labour from abroad, when advantages would be conferred upon the planter and upon the negro; but you declined. You watched with such jealousy the proceedings of the West India interest, you watched with such jealousy every laudable enterprise for increasing their labour, and regarded with so much hostility their every act, that the Government did not dare to give any facilities for the introduction of labour; and even after taking every precaution, you were compelled by the state of the public law to lay down restrictions; and for the scarcity of artificial labour in the West Indies, you, and not the Government, are responsible. But then comes the Act of 1846. And here I deny and dispute, not the figures, but the inferences drawn from them by the right hon. Gentleman the Chancellor of the Exchequer. He quotes the three years since 1846 as an indication of the effects of the Act on the producing power of the West Indies. But does the right hon. Gentlemen believe his own argument? Has he so little studied the nature of the cultivation in the West Indies, as seriously to believe that the imports from the West Indies in 1847 are a fair measure of the effects of the Act passed in August, 1846? Was there no other fact that had produced the effect? Sir, there was the Act of 1845 as well as the Act of 1846. In 1845 you reduced the duty on colonial sugar from 25*s.* and 26*s.* to 14*s.* a cwt. That Act took no effect in 1846, for the cane had to be fourteen months in the ground. But in 1848 the Act of 1845 would have been in full operation, if you had not checked it; the check of the Act of 1846, however, did not operate in 1847, it operated a little in 1848, and it is now that the effects of the proceeding are apparent. Sir, in 1848, in a Committee of this House, certain resolutions were moved by a right hon. Gentleman a Member of the Government, whose absence from a deplorable cause I am sure has not called forth a mere formal regret, but has been the source of deep grief to Members of this House. The right hon. Gentleman the President of the Board of Trade moved a resolution to the effect that the guarantee of the Act of Emancipation had interfered with the continuous supply of labour to the sugar colonies; and therefore I say public sentiment is responsible for the scarcity of labour which we have seen; and you, the representatives of the country, should do what you can to remove the evils which the expression of that public sentiment has caused. Sir, no formal regard for consistency would make me repeat my vote of 1848, if I thought such a course would tend to check the growth of returning prosperity in these colonies. But, Sir, I do not think that protection can be a permanent cure for the evils we see in the West Indies. I remember an admission of my right hon. Friend the Member for Tamworth, which carried weight with it at the time, that the case of the West Indies was fairly to be made an exception to the general category of free trade; but I do not think I am going far from the fact, when I say that if it can be shown that the permanent restoration of protection is the real cure for the West Indies, I should be prepared to give a vote in accordance with that view. But what would be the operation of protection, considered as a permanent instrument of relief? I would suppose you going to increase the rate of protecting duties. When that intelligence reaches the West Indies, it does not reach the planter alone, but it acts on the production. It acts likewise on the rate of wages as much as it does upon production. But I am prepared to vote now as in 1848, and say you should arrest the scale of the descending duties. You should offer inducements to the British capitalist to invest in the West Indies; you should let him have some fixity of state, and not hang over his head a perpetual change of differential duties, so that from year to year he does not know where he stands. You should, therefore, arrest the descending scale of duties, and enact that for a term of years there should be a fixed state of law with respect to these duties in the West Indies. Barbadoes and Antigua sent out on an average in the four years before emancipation 26,900 tons of sugar; in the last three years they sent 32,300 tons. Jamaica and British Guiana, in the years from 1831 to 1834, sent out, the first 67,000 tons, and the second 43,000 tons, making 110,000 tons. From 1847 to 1849, notwithstanding the great liberality of the Legislature in reducing the duty to 14*s.*, the amount exported was 65,500 tons, instead of 110,000, showing a difference of 40 per cent on the whole. But, Sir, is this a planter's question alone, or is it a question affecting the whole negro population of the West India colonies? Those indications of decay in the entire population of the West Indies, to which my hon. Friend the Member for Lynn has alluded in a recent publication, are but too true, and are only too surely to be traced to our legislation. To show that the exports have fallen back far below the point at which they stood even in the years of slavery, I need only refer to a few figures. Four years before slavery was abolished, the exports from this country to the West Indian colonies amounted to 2,575,000*l*. In the four years of apprenticeship, from 1835 to 1838, the exports had risen to 3,450,000*l*. annually. From 1843 to 1846, when perfect freedom was established, the average exports had fallen back to 2,657,000*l*. In 1847, a year which they were so fond of quoting, the exports had fallen to 2,279,000*l*.; and in 1848, the last year for which we have the returns, your exports to the West India colonies have fallen back to the sum of one million and a half. I say that that most important, most significant, and most disastrous fact indicates to you, if you will but observe it, that there is a necessity for your considering further measures for the relief of the West Indies, and that you are in danger of losing, unless you enter into that consideration all the best and brightest proofs of the sacrifices you have already made. Now, what measures of permanent relief do I point to? In 1848 we were disposed to think that great things would be done in the way of extending the public resources to cheapening things in the West Indies. It is needless to refer to the numerous modes by which this might be attained. It might be attained in many places by the drainage of land; in many places by irrigation; in some places by the improvement of roads, in others by the promotion of railroads; and in British Guiana by the restoration of works for keeping out the encroachments of the sea, which the resources of the colony do not, I fear, enable them now to repair themselves. The whole of the colonies are dependent on these works in the highest degree; and they afford you an opportunity of interfering with the strong arm of the empire, and of giving out of your abundant means, with but little risk of loss, that assistance which is absolutely for their redemption. The principle laid down in the Committee was, that the Government were to take on themselves the responsibility of carrying out these things—that they were to look to the circumstances of the different colonies, and to make the grants of money directly and effectually available for the planters themselves. Now, instead of that, I believe nothing whatever has been done. The loans have not, I believe, been made, and the Government have not taken on themselves the responsibilities expected from them, but have gone to the colonial legislatures; and in the midst of the financial embarrassments in which they were, and these bodies being besides but badly suited to carry out the views of the colonists, the Government asked them to pledge the public credit of the colony before any loans would be made. The consequence was, that while we told the West Indies that we did not think protection a permanent mode of advancing their interests, we were willing to continue it for a time, until some other measures would be tried for their relief. We still stand in that position which we occupied two years ago, because these other measures have not yet been tried. This discrimination between the colonies was an essential principle on which I thought we were to proceed. I thought you had given a distinct pledge to the colonies that you were going to take that work in hand, but you have not done so. You have not encouraged or facilitated the colonies in taking the matter into their own control; and in the case of British Guiana, you have, according to the report of the Committee of this House, acted in the opposite spirit; for the report indicates that the influence of the Government at home has certainly not been used in the direction that it should be used in. With regard to the condition of the planters, I would beg the House to recollect that every increase of production is not a proof that their ruin has not been brought about. Where vast capital has been expended, and great extent of land brought into cultivation, the planter may be ruined; but new capitalists will come in under the expectation of getting the plantation at a nominal price, and thus give a fresh stimulus for a time to cultivation. I would refer to the testimony of Governor Light on this point. He gives an account of one of the finest estates in British Guiana; and though I do not remember his exact figures, I can state them near enough for our present purpose. He states that that estate had been sold for 80,000*l*. or 100,000*l*. in the time of slavery. During the period of apprenticeship it was sold for 30,000*l*. or 40,000*l*.; but the year before he wrote—I think in 1848—that property was disposed of to a new buyer for a sum of, I think, 2,000*l*. And Governor Light observes, in language not more quaint than full of instruction, that the purchaser, having acquired for 2,000*l.* all the buildings, works, and machinery on the estate, has what he terms "a noble chance of escaping ruin." Now, other persons similarly circumstanced throughout the other colonies may also have "a noble chance of escaping ruin;" but it should not be forgotten that they escape a ruin which their predecessors have the painful task of recollecting. But I do not appeal mainly on their behalf. I would ask you to give them such terms of fixed protection as would be necessary to afford them time for such remedial measures as may be introduced; but I would ask you still more strongly, on behalf of the labouring population, who are now losing that advance which they had made under happier auspices. Is it not painful, after all that has been done, and all the sacrifices that have been made, to find that they are gradually allowing to slip from their hands not only the means of commanding material comforts, but even the disposition to seek for them; and, still more, the disposition to cultivate the rational and spiritual part of their being by seeking after the benefits of religion and education? You may say that there is no connection between philanthropy and protective duties; but I assert that there is a connection between philanthropy and the creation in these persons of a desire to work for wages. I say that the rapid diminution of these figures which I have quoted, is a true picture of things; and, therefore, on their behalf, as well as on behalf of that ill-used class, the proprietors, I trust the House of Commons will be prepared to support the Motion of my hon. Friend the Member for South Essex. With regard to that Motion, I regret that my hon. Friend has not adhered to the distinction drawn by my right hon. Friend the Member for Tamworth, with regard to slave-grown sugar. That would be far more clear to me than a proposition for the mere continuance of a differential duty. For the maintenance of the principle to which I refer, I have been always prepared to contend; and I deeply lament that a great political crisis in this country forced many to sanction, by their reluctant votes, the course which has been taken, while they would have wished a different change, and one not so disastrous in its consequences or so injurious to the high character of Great Britain as that which was made in 1846. At the same time I admit the difficulty under which you now stand. Never had there been greater diligence shown in searching for cavils, or greater ingenuity in urging them forward, than by the party of the noble Lord on that occasion. But still I feel the difficulty arising from its being now almost impossible, in the complex nature of the case, to restore that distinction, now that it has been departed from. It is one thing to maintain a distinction, and another thing to introduce it after it has once disappeared from your laws. Neither can I forget that Her Majesty's Government always contended that they had no right to maintain that distinction under the doubtful stipulations of treaties. I do not ask for any proposition to carry into effect any change in the law contrary to the stipulations of treaties. We are shut up to the conclusion of my hon. Friend the Member for Droitwich, to which my hon. Friend opposite is, I believe, prepared to adhere, as well as I am myself, to extend to the British West Indies that protection which is now vanishing before their eyes for such time as may be necessary for the production of those useful public works that may lead to ultimate cheapness of production; while at the same time I ask you still more to adopt this course on behalf of that class for whom you have before made such sacrifices, and who are now fast sinking back to the degraded condition from which they were originally raised by your philanthropy and benevolence.

VISCOUNT PALMERSTON: Sir, it has seldom fallen to my lot to witness a debate conducted on the one side with more curious inconsistencies and with a greater series of contradictions. My hon. Friend who introduced this Motion proposed it on the ground of humanity, and as a mode of getting rid of the slave trade; but scarcely had his arguments fallen on our ears when the debate took another turn, and from that time his Motion has been chiefly supported on the ground of protection—a principle which I believe my hon. Friend had not himself intended to advocate. Almost the only example of consistency which we have witnessed in the course of this debate, is that consistency of talent and ability which have been displayed by the hon. Member who has for the first time spoken on this question, and who has proved himself to be the consistent representative of that father whom we have so often heard with admiration within these walls. The right hon. Gentleman who has just sat down, has, I think, crowned the example of inconsistency in this debate. Whether the limited scope of my capacity or the ambiguous argument of the right hon. Gentleman be the cause, I am now quite at a loss to know what he means to do, and on what side he intends to vote. He declared himself, as I understood him, ready to support the Motion of my hon. Friend, that Motion being a permanent declaration that it is impolitic and unjust to expose the free-grown sugar of our colonies and possessions abroad to unrestricted competition with the sugar of foreign slavetrading countries. But the right hon. Gentleman has not, as I understand him, as yet so entirely thrown off the principles of free trade, of which he was once an able advocate, and in support of which he has often rushed into the van at periods of great difficulty, and given his most honourable support—the right hon. Gentleman did not, as I understand him, abandon that doctrine, or accept the doctrine of protection. All he asks for is a limited period of protection, to give time for those remedial measures for the colonies for which he is anxious. But if that is his only object, if he does not wish for the permanent re-establishment of the principles of protection, then I ask on what principle of consistency can he vote for a resolution which is permanent in its object, and which does not give a limited but a permanent period for the continuance of protection to our colonies? I certainly shall not vote for the Motion of my hon. Friend. I am not either for limited or permanent protection. I am convinced that protection has done no good to the West Indies, and will do no good. Now, it was under a system of protection that the West Indies have been in former times in a state of continued distress and ruin; and it is not by recurring to that system that we can restore them to that prosperity which, I trust, they are all destined to attain. It is by those remedial measures which the right hon. Gentleman alluded to—by a better system of cultivation, and by that stimulus which competition affords, that we may hope to see them extricated from the difficulties under which they complain. Now, how my hon. Friend thinks that this exclusion of slave-grown sugar would put an end to the slave trade, I really cannot for a moment imagine. I cannot see how such a measure would operate in the way he wishes to put an end to that traffic. Has my hon. Friend entered into the proportion of free-grown sugar introduced into this country for home consumption as compared with slave-grown sugar? He would have seen, had he done so, that for the year 1849, the proportions were five and a half millions of cwts. of free-labour sugar, to half a million of cwts. of slave-grown sugar. It is, in fact, not the competition of slave-grown sugar which is ruining the West Indian planters, but it is the annually-increasing competition of free-labour sugar from other parts of the world; and if my hon. Friend is prepared to give to the West Indies that protection which he thinks is essential to restore them to prosperity, it must be done not by confining the restriction to the slave-grown sugar of Brazil and Cuba, but by extending to them the full protection which they enjoyed in former times against free-labour sugar—a proposition which I am sure my hon. Friend would not advocate, and a proposition which I am sure this House would never entertain. It has been often urged that we had only to exclude the slave-grown sugar from the market of this country, and to draw an equal quantity of free-labour sugar from the market of the world, in order to afford the protection desired; but this would be only creating a vacuum which would be at once filled up by the slave-labour sugar of Cuba and the Brazils. The slaveowners in those countries would laugh at your precautions, and would know that there were still markets enough open to them to induce them to go on cultivating sugar and increasing the number of their slaves as before. But if any man could doubt that the attempt must be perfectly futile, I think those who heard the speech of my hon. Friend the Member for Westbury, and attended to the manner in which he demonstrated that the recent changes in our navigation laws have added an insurmountable obstacle to the carrying out of any such arrangement, must have every shadow of a doubt removed. It is not measures of this kind for excluding sugar of one kind, and laying heavier duties on the produce of this country or that, by which we can extirpate the slave trade, the object of which I know my hon. Friend has most at heart. No doubt many hon. Gentlemen have protested against the African squadron, and against our maintaining a maritime police as being insufficient to effect the suppression of the slave trade. But I have never maintained that that alone was sufficient to put the slave trade down, though I have always contended that without this maritime police other measures would be fruitless. The House may rest assured that other measures for this object are in progress, and that we are, by treaties with native chiefs in Africa, and by other exertions on the other side of the Atlantic, pursuing measures which, I trust, if properly continued, in the course of the next year will enable us to entertain better hopes that the slave trade will be, if not extinguished, at least very considerably diminished. Now what is the state of the slave trade at the present moment? There are now in Africa 1,500 miles north of the line entirely free from the slave trade—of the entire 2,000 miles north of the line there are now only about 420 in which the slave trade at all exists; and I trust the measures now in operation may lead to the extirpation of the slave trade from that remaining portion north of the line. I, this very day, received a despatch from one of the commissaries at Sierra Leone, stating that during the quarter which had just expired, he can assert that not a single ship had left that place with slaves. South of the line there were 1,200 miles of coast in which the slave trade existed; but I believe it is no chimerical expectation to hold out that even there it will ere long be discontinued. And I hold it to be by no means that chimeral expectation which Gentlemen who sat in Committee have chosen to term it, that the combination of all the measures now being adopted may tend at no distant period to accomplish that end. And I must say that no object—I speak not now of those higher considerations which the right hon. Gentleman has adverted to, and which, I think, nevertheless ought to influence a nation like the British in matters of this kind—but, independently of these higher considerations, taking even the most narrow views of temporal interests, I must say that nothing can be accomplished that would tend more to further the commercial interests and prosperity of this country than the entire extirpation of the slave trade. No part of the globe offers more scope for the commercial enterprise of this country than the interior and the coast of Africa. We have a demand for the things which she produces, and she stands in want of the goods that we can supply. In many other parts of the world, where there is a larger population to consume what we can export, there is a want of commodities to offer in return. Our trade with China has been limited to a certain degree by a want of the commodities to exchange for our products. But, in Africa, commodities for barter abound; there is hardly anything of value which cannot be found there to offer in exchange for the goods that we can supply. Cotton might be grown on the western coast in infinite quantity and of the best quality. And, recollecting how precarious is the source of supply which we now derive from the United States of America—recollecting how the growing manufactures of America herself are now annually absorbing more of the cotton which she produces—and recollecting what a vast amount of our own population depend upon the manufactures from that raw material for daily bread, it becomes a matter of the most extreme importance that we should seek out other sources of supply. Palm oil, an article also of great value and much used, is found in abundance in that country: there are also coffee, ivory, gold—in fact, hardly anything of value and utility might not be produced or found in Africa, and might not be received in return for our own exports. I say, therefore, it is an object of great national importance, that by an end being put to the slave trade, we should be enabled to enter into commercial intercourse with the vast population of that region. I will not follow the right hon. Gentleman into all those details connected with our West Indian possessions upon which he thought fit to enter. I confine myself solely to the Motion of my hon. Friend. I contend that it is not a method that can be of any avail in putting down the traffic against which the Motion is levelled. I contend that without accomplishing its purpose it would tend to inflict a great injury on the comfort of the country, and would hold out to the West Indians a delusive hope which might induce them to relax their energies, and prevent them from adopting those other measures by which alone they can recover their station and prosperity; and therefore, on every ground, both of expediency and principle, I object to the Motion of my hon. Friend. It is insufficient for the purposes of humanity for which he brings it forward, and it would tend to reinstate the principle of protection in our commercial relations—a principle, I maintain, of fatal injury to the country, and inimical to the prosperity of every community to whose affairs it may be applied.

Sir E. N. BUXTON, in reply, said, he would not detain the House at that late hour with any lengthened remarks. He felt very grateful to the Government generally for the measures it had adopted to suppress the slave trade, and especially to the noble Lord who spoke last, for the manner in which he had at all times directed his efforts to securing that object. But he must urge his Motion on the adoption of the House, simply on the ground that while on the one hand we sent out a fleet to the coast of Africa to put down that nefarious traffic, we encouraged it on the other hand by the admission of slave-grown produce.

Question put.

The House divided:—Ayes 234; Noes 275: Majority 41.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrington, Visct.
Bateson, T.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G. F.
Best, J.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Currie, H.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Dickson, S.
Disraeli, B.
Drumlanrig, Visct.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Emlyn, Visct.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Heald, J.
Herbert, H. A.
Herbert, rt. hon. S.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Hotham, Lord
Hudson, G.
Johnstone, Sir J.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir C.
Knox, Col.
Lascelles, hon. E.
Law, hon. C. E.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mure, Col.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Nugent, Lord
O'Brien, Sir L.
O'Connor, F.
Oswald, A.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Peel, Col.
Pennant, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Powlett, Lord W.
Prime, R.
Pugh, D.
Reid, Col.
Repton, G. W. J.
Richards, R.
Rufford, F.
Rushout, Capt.
St. George, C.
Sandars, G.
Sandars, J.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smythe, hon. G.
Smollett, A.
Somerset, Capt.
Somerton, Visct.
Sotheron, T. H. S.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Col.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, R. H. R. H.
Waddington, D,
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Welby, G. E.
West, F. R.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Buxton, Sir E. N.
Evans, W.

List of the NOES.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of

Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, C. L. G.
Birch, Sir T. B.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Boyd, J.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Burke, Sir T. J.
Campbell, hon. W. F.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Cubitt, W.
Currie, R.
Curteis, H. M.
Dalrymple, Capt.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt. hn. C.T.
Divett, E.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, J.
Elliott, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Evans, Sir D. L.
Evans, J.
Ewart, W.
Fagan, W.
Fagan, J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jervis, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lushington, C.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Magan, W. H.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Sir G. B.
Peel, rt. hon. Sir R.
Peel, F.
Pelham, hon. D. A.
Pendarves, E. W. W.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Sutton, J. H. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Tufnell, H.
Turner, G. J.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Young, Sir J.

TELLERS.

Hill, Lord M.
Bellew, R. M.

SUPPLY—GRANT TO MAYNOOTH.

Resolutions reported.

MR. FORBES objected to the new grant of 18,093*l.* for the college of Maynooth, and moved the reduction of 1,241*l.* for the purpose of making the vote 16,852*l.*

Amendment proposed, to leave out

"18,093*l.*," and to insert "16,852*l.*," instead thereof.

Question put, "That '18,093*l.*' stand part of the resolution."

MR. PLUMPTRE understood that the 30,000*l.* which had been voted was likely to be very far exceeded, and would amount to 50,000*l.*, and that the intention was to get the amount of the sum by dribblets year after year. This sum was proposed to be added as one of these dribblets. He did not understand why 30,000*l.* was not enough for the vote for repairs for the old college.

The CHANCELLOR OF THE EXCHEQUER said, that an explanation of this vote had been given every year. He had no reason to expect that any question would have arisen on the subject, or he should not have brought it forward at that late hour of the night.

The House divided:—Ayes 68; Noes 55; Majority 13.

List of the NOES.

Archdall, Capt. M.
Bagge, W.
Bagot, hon. W.
Baldock, E. H.
Bateson, T.
Best, J.
Blackstone, W. S.
Blair, S.
Booth, Sir R. G.
Bremridge, R.
Broadwood, H.
Brooke, Sir A. B.
Cabbell, B. B.
Carew, W. H. P.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Cotton, hon. W. H. S.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. O.
Dundas, G.
Edwards, H.
Fellowes, E.
Galway, Visct.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Hildyard, R. C.
Hill, Lord E.
Hood, Sir A.
Hornby, J.
Hudson, G.
Knox, Col.
Masterman, J.
Mullings, J. R.
Napier, J.
Newdegate, C. N.
Packe, C. W.
Pigott, F.
Plowden, W. H. C.
Portal, M.
Scott, hon. F.
Smollett, A.
Somerset, Capt.
Stafford, A.
Stanford, J. F.
Stephenson, R.
Verner, Sir W.
Waddington, D.
Waddington, H. S.
Williams, J.
Worcester, Marq. of

TELLERS.

Plumptre, J. P.
Forbes, W.

LORD J. CHICHESTER said, that he and several hon. Members who had intended to vote against the grant to Maynooth were prevented from doing so in consequence of the wire of the bell attached to the room in which they were waiting being broken, and their not being aware that the division was about to take place. He wished, therefore, to ask the right hon. Gentlemen in the chair whether the votes of those hon. Members ought not to be allowed?

MR. SPEAKER said, the hon. Members ought to have been in the House at the time of the division.

Resolutions agreed to.

The House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 3, 1850.

MINUTES.] PUBLIC BILLS.—1^{a} Court of Session (Scotland); Police and Improvement (Scotland); Landlord and Tenant (Ireland); Public Houses (Scotland).

2^{a} Process and Practice (Ireland) Act Amendment; Naval Prize Balance; Exchequer Bills.

Reported.—Sunday Fairs Prevention.

3^{a} Process and Practice (Ireland) Act Amendment; The Trustee Act, 1850.

APPEALS TO THE PRIVY COUNCIL FROM THE ECCLESIASTICAL COURTS (MATTERS OF DOCTRINE) BILL.

Order of the Day for the Second Reading, read.

The BISHOP of LONDON:* I rise to move your Lordships to give a second reading to a Bill for amending the law with reference to the administration of justice in Her Majesty's Privy Council in appeal from the Ecclesiastical Courts; and I do so, under an almost overpowering sense of the difficulty of the task which I have undertaken, and of my own inability to perform it in a manner at all adequate to its importance—its importance, my Lords, with reference to the consequences which are likely to follow from your Lordships' reception or rejection of the measure. My Lords, I am not apt to indulge overstrained or extravagant feelings of hope or fear, nor am I accustomed to employ exaggerated language in expressing them; but I do assure your Lordships, in the words of truth and soberness, that I believe it to be impossible to over-rate the momentous consequence of the issues which hang upon that alternative. I will not now describe them more particularly. It is enough to say that they involve not only the peace, but the integrity of the Church of this empire. I allude to them now, only for the purpose of showing to your Lordships why it is that I approach this question with fear and trembling, under a painful apprehension lest the sacred and important interests which it involves, should suffer detriment from the injudicious arguments or feeble reasoning of its advocate. But, my Lords, I feel at the same time that just measure of confidence, which ought to be inspired by a settled conviction, that the cause which I have undertaken to plead, is substantially the cause of justice and truth; and that whatever may be the measure of success which will now attend it, it is a cause which must ultimately prevail. We contend, my Lords, for a great fundamental principle. We may possibly suffer a disappointment; but we shall not be disheartened; we may be perplexed, but not in despair.

My Lords, I am so deeply impressed with the importance of the duty which I have to perform, and so fearful of omitting any argument which might be urged in favour of the measure which I desire to recommend, that I may perhaps be led to trespass upon your Lordships' patience at somewhat greater length than it is my wont to do. If such should be the case, I must crave your Lordships' indulgence. For my own sake I will study all practicable brevity; for it is not without difficulty that I now stand to address your Lordships. But if I should be forced to occupy a larger portion of your time than it may be convenient or agreeable to your Lordships to devote to me, I must entreat your indulgence, in consideration both of the great importance of the subject, and of the peculiar circumstances under which I address you. For, my Lords, it is a difficulty of a peculiar kind which embarrasses me. I must state it fairly and frankly, and I hope so to state it as not to be wanting in the respect due to your Lordships, nor so as to give any just cause of offence. But the truth is, my Lords, that the subject which I have to bring before you is one with which your Lordships are not so familiar as I could wish you were.

I have to invite your Lordships' most serious and earnest consideration of a question, which, I fear, is far less interesting to you than the ordinary topics which engage your attention in this House. I have to awaken, if possible, a new set of thoughts and feelings, and to enlist them in favour of a measure which has none of the attractions of party interests, or political affections. I have to persuade you—would I could hope to succeed in the attempt!—to lay aside for a time your everyday habits of thoughts, as relating merely to the concerns of civil government; and to think and act in your character of members of that great spiritual polity, to which you are bound by ties of duty as sacred and as stringent as those by which we, who are its ministers, are bound; although the duties which you owe to it be not all of them the same in kind. But, my Lords, let me not be misunderstood. Do not imagine that I desire you to put out of sight, for an instant, while legislating for the Church, its relations to the State, nor the mutual claims and duties of the two. On the contrary, it is because I hold it to be essential to the well-being of the State, that the Church should be enabled to discharge its own proper functions without let or hindrance, and that the one should forbear from invading the legitimate province of the other, that I now earnestly entreat your Lordships to direct your attention, more closely and thoughtfully than you are commonly required to do, to the peculiar nature of those functions—the functions which belong to the Church, as the keeper and teacher of God's truth.

Before I proceed to submit to your Lordships some reasons in favour of the Bill, I wish to remove some objections which may possibly be made. It may be said—I do not suppose that it will—but it may, perhaps, be said, that this Bill has had its origin in the feeling excited by a recent judgment of the Judicial Committee of the Privy Council, in a case too well known to make a more particular description necessary. And undoubtedly, my Lords, it must be admitted, that the very great importance of that judgment, and the conflict of opinions and feelings to which it has given rise, have forced us to a nearer and more critical examination of the question relating to a court of appeal in cases of false doctrine, and have imposed upon us the duty of endeavouring to devise some modification of the existing tribunal, which might remove what are very generally considered to be grave objections to its present form. But the necessity of some change in this department of our ecclesiastical jurisprudence was felt long before the recent appeal, at a time when the probability of such an appeal was not in contemplation. It is only surprising that it was not clearly perceived at the time when the Judicial Committee was substituted for the old Court of Delegates. But no such necessity was then alluded to. The reason of which, I suppose, was this: that appeals to that court in suits involving questions of doctrine had been so exceedingly rare—not more than three or four from the first institution of that court—that the contingency of such an appeal came into no one's mind; and as to all other kinds of appeal in ecclesiastical suits, the Judicial Committee appears to be an unobjectionable tribunal, with one exception only, namely, that its members are not necessarily, as they ought to be, members of the Church of England.

In the Bill which I had the honour of presenting to your Lordships in 1847, an important change was proposed in the court of ultimate appeal in cases of false doctrine; or rather, the substitution of an entirely new court for the Judicial Committee of Privy Council: and that proposition was assented to by the Select Committee to whom your Lordships referred the Bill. That Committee included all the Peers who had filled high legal offices, except, I believe, the noble and learned Lord who then filled with so much honour to himself and so much advantage to the country the office of Chief Justice of the Queen's Bench. Amongst them certainly was the noble and learned Lord who now discharges with so much ability the duties of that high office. The clause relating to a new Court of Appeal was carefully considered, and finally assented to by the whole of the Select Committee. The only objection hinted at, was a doubt whether it would be such a court as could work, for want of the necessary machinery. It having been found impossible to carry the Bill through Parliament that Session, it was not pressed to a second reading; but the same Bill, as amended by the Select Committee, was reintroduced in the Sessions of 1848, 1849; and in both years, owing to various causes of delay, was suffered to remain in suspense. A Bill with the same object was read a first time early in the present Session, containing a clause which provided for the erection of a somewhat different Court of Appeal. That clause had been framed in compliance with the suggestion of some eminent persons, whose opinions were entitled to my respect. But finding that many persons did not consider it to be so satisfactory as could be wished, I thought it my duty to refer the subject to my right rev. Brethren, whom the most rev. Primate at my request called together for the purpose of considering it.

The result of our deliberation was, that it would be better to look at the question of a Court of Appeal by itself, and to make it the subject of a distinct and substantive Bill, seeing that the principle it involves is regarded by the clergy in general as of so great importance as to throw into the shade all other measures for the regulation of Church discipline. The question was carefully and calmly considered by us at several meetings, attended by twenty-five out of the twenty-seven Bishops of England and Wales; and the result was, an almost unanimous agreement as to the propriety of introducing into your Lordships' House the Bill now before you. I do not say that we were quite unanimous, or that all of those who agreed to the introduction of this Bill were entirely of one mind as to its provisions; but any difference of opinion which prevailed, related rather to the details of the Bill than to its general principle; and the very few who withheld their approval of its introduction, did so, not so much from any objection to the measure itself, as from a doubt as to the expediency of bringing it forward, without having first ascertained that it would have the support of Her Majesty's Government. Some of my right rev. Brethren thought that the Bill would require, or admit of, some modification; and if it should be suffered to go into Committee, I shall be ready to pay the most respectful attention to any suggestions for that purpose, provided that they do not materially interfere with the essential principle of the Bill.

My Lords, I have said enough to prove that the proposal for modifying the existing Court of Appeal is not the offspring of recent excitement, but had its origin in an opinion long entertained, that some change was absolutely necessary in the constitution of that court, as a court of ultimate appeal in cases of false doctrine.

Another objection, which may possibly be made to this Bill, I deem it necessary to meet by anticipation, as being one of far greater importance; but, as it appears to me, not less easily removed than the former, namely, that it interferes with the Royal Supremacy. And yet I can hardly think that such an objection will be seriously urged against the present Bill, when no demur was made on that ground by those who were most competent to discern such a fault, in the Bill of 1847, the provisions of which, as it seems to me, were far more open to the objection. If, indeed, my Lords, that objection could be substantiated, if it could be proved that this Bill went to interfere with the Royal Supremacy, properly understood, I should at once desist from urging your Lordships to give it a second reading.

My Lords, I am not one of those who think that the Royal Supremacy, in matters ecclesiastical, is an intolerable burden on the Church, in principle at least, whatever it may be made in practice. It was not only acknowledged, but gladly resorted to by the early Church. The history of the Councils abounds in examples. I regard it, not as an inevitable evil, but as a substantial good; a protection against foreign domination and spiritual tyranny, and no unimportant security even for civil liberty. It is a prerogative of the Sovereign, not resting on the ground of any recent or newfangled claim, but a jewel in the ancient Crown of this realm, plucked from it for a time by a foreign and intrusive Power, and transplanted to his own tiara; but reasserted to its rightful owner by the unanimous determination of the spirituality and temporality just before the reformation. It is in truth that just and necessary prerogative, which, as our Articles express it, " we see to have been given always to all godly princes in Holy Scriptures by God himself, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doer."

But this supremacy of jurisdiction, my Lords, is to be exercised by the Sovereign in things ecclesiastical, as it is in things temporal, by means of duly constituted Courts. Our Monarch is supreme Governor in all spiritual and ecclesiastical things, as in all temporal causes and things; in the latter by means of judicial tribunals, established either by common law, (which presupposes the universal consent of the nation,) or by statute law, which implies such consent given through its organ the Parliament; in the former, by means of Courts established either by ancient custom in the Church, (which supposes an original canonical authority,) or by the Crown, with the assent of the Church's Parliament, its convocation. The Sovereign then is supreme Governor, in causes spiritual, under precisely the same restrictions as in causes temporal.

Whatever court, therefore, legally constituted, is the Queen's Court, is a means whereby the Royal Supremacy is exercised, and cannot be said to infringe it. The Church, indeed, may have some reason to complain of an ecclesiastical tribunal, which is established without its consent given in convocation; but the Sovereign can have none, on the score of the supremacy.

But one great recommendation of this present Bill, as compared with those to which I have alluded, is, that it does not go to substitute a new Court for that which already exists, but only directs a particular course of proceedings in certain specified cases of a very peculiar nature, requiring a peculiar provision. I will now proceed, my Lords, with all practicable brevity, to trace the history of that Court, and to show how there has been a gradual and almost unnoticed departure from what I think may properly be called constitutional principles.

The first Statute respecting Appeals, is that of 24 Hen. VIII. c. 12 (1532), which relates only to appeals in causes of wills, matrimony, divorce, tithes, oblations, and offerings. It is deserving of observation that this Statute, which refers in its preamble to the prerogative of the Crown, as supreme in its authority to render justice in all causes, temporal or spiritual, expressly recognises the authority of that part of the body politic, called the Spiritualty—as " sufficient and meet of itself, to determine all doubts, when any cause of the law divine happens to come in question, or of spiritual learning." It makes appeals to the Archbishop's Courts final, in the causes to which it relates, except where the King is concerned, and then the appeal is directed to be made to the Upper House of Convocation, whose decision is to be conclusive.

In the following year, (1533,) the Statute 25 Hen. VIII. c. 19, was passed, which enacted, that " for lack of justice in any of the Courts of the Archbishops of this realm," an appeal should lie to the King in Chancery, and that upon every such appeal, the Crown should appoint delegates to hear and definitively determine the cause. Afterwards, however, in virtue of the prerogative, the Crown was considered to have the power of issuing a Commission of Review, for the purpose of revising the judgment of the delegates. This statute determined the course of appeals without any reference to the Royal Supremacy.

The Statute 26 Hen. VIII. c. 1, declared the King to be supreme head in earth of the Church of England, and gave him authority to " visit, repress, and correct errors, heresies and abuses, which by any manner of spiritual authority might lawfully be reformed." This statute was repealed in Queen Mary's time, and was never revived. But the Statute 1 Eliz. c. 1, gave a like power to the Queen; and it also gave her what the former statute had not given to the Crown—the means of exercising that power by the High Commission Court, afterwards made an instrument of great oppression and cruelty, and finally and deservedly abolished by the 16 Car. I. c. 11. But inasmuch as this court possessed not an appellate but an original jurisdiction, the ancient appellate jurisdiction of the Court of Delegates remained in force, having been in the first instance established by the Legislature, independently of the Royal supremacy, and before that supremacy had been clothed by the statute law with any jurisdiction. In process of time the Court of Delegates fell into disrepute, from causes which the noble and learned Lord opposite (Lord Brougham) had pointed out, when at an earlier period of the Session I touched upon the question of a new court of appeal. The Statute of the 2nd and 3rd William IV. c. 92, abolished that court, and directed appeals to be carried to the King in Council, and that no commission of review should in future be granted.

In the following year an Act was passed constituting a Committee of the Privy Council, consisting of certain specified Members of the Council, to whom the King might from time to time, by appointment, or his sign-manual, add any other two Privy Councillors, to hear all appeals which might be brought before His Majesty in Council, and to make a report, or recommendation thereon to His Majesty in Council for his decision thereon.

It is now, my Lords, my duty, a delicate and painful duty, but clearly necessary to the right performance of my task, to point out what I consider to be the principal objections to the existing Court of Appeal. It is a painful and delicate duty, because I speak in the presence of some of those distinguished persons who are members of that court, for whom individually I feel the sincerest respect. No person is more thoroughly impressed than I am with a conviction, that as Judges, in all matters relating to the administration of the law, they perform their duty in the most admirable manner. My objection is rather to the principle on which that court is constituted, than to the mode in which its members discharge their judicial functions. I am bound to say, that, as far as my own observation extends, and judging from the reports of others, there can hardly be a more satisfactory tribunal of ultimate appeal, in all cases but those which involve a question of purely spiritual discipline, than the Judicial Committee of the Privy Council as at present constituted. In all matters requiring judicial acuteness and calmness, impartiality and firmness, for the discovery of the truth of facts, and for the explanation and application of the law, nothing more is to be desired. It is only when questions of doctrine arise, and points of faith are to be determined, that I object to that tribunal as incompetent; it is competent to decide all questions of ecclesiastical law, but not matters purely spiritual, involving questions of divine truth; for this office it is not properly qualified, with reference either to the Church's original constitution, or to the personal qualifications of the Judges.

And here, before I proceed to examine that question, I will venture to state generally what, in my opinion, are the objects which the State and the Church may be supposed to have in view, in constituting ecclesiastical tribunals. So long as these objects are steadily kept in view by both parties, there is no ground of alarm for either; and I beg to assure your Lordships, that it is with a view to these objects alone that I now seek to remodel—no, not to remodel—but to give new efficiency to the existing Court of Appeal. I apprehend it to be the duty of the State to preserve inviolate the original status of doctrine and discipline agreed upon by the Church and State; and, secondly, to keep all ecclesiastical Judges to the terms of that settlement, and within the limits of their lawful jurisdiction. On the other hand, the duty of the Church, I conceive, is to preserve its doctrine pure, and its discipline inviolate; and, secondly, to have in the last resort a *boná fide* power of correcting errors in those respects committed by the civil tribunal, and so to avoid the danger of a collision with the State.

I know what would be the constitutional mode of carrying these purposes into effect; namely, to permit the Church to deal synodically with questions of heresy or false doctrine. But my whole course of argument proceeds on the assumption that such permission is not likely to be conceded to us at the present moment, and that the want of that freedom makes the present measure all the more necessary. Suffer me, my Lords, to remind you in passing, that the Church of England is the only Church in Christendom which is deprived of the privilege of synodical deliberation. I do not now intend, my Lords, to touch upon that as a ground of complaint—the subject is too large and too important to be discussed incidentally; but

I allude to it as a strong reason for acceding to the wish entertained by a very large body of Churchmen, both lay and clerical, that questions of false doctrine, when they arise, and must of necessity be decided, may be referred for decision to the Bishops of the Church of England.

I now proceed to state some of the reasons why I think that the Judicial Committee is not altogether a competent tribunal for the determination of such questions. In the first place, the Judges are exclusively laymen, some of whom are not qualified by their previous studies and habits of mind to deal with purely spiritual questions. Secondly, some of them, possibly a majority, may not only not be members of the Church of England, but may entertain opinions diametrically opposite to the Church's doctrines. But I am not disposed to dwell upon this objection, because I believe it will be generally conceded, that in this respect a change is necessary, and that no Judges should sit to determine a question of Church doctrine, who are not members of the Church. Putting aside also, for the present, the question whether the Judicial Committee can be considered as properly a Church tribunal, I proceed to speak of its incompetency. I am loth to use that word; but I find it difficult to employ any word which shall not be capable of an offensive meaning; and I must speak the truth plainly, but with the most perfect respect for the individual members of that court. I object, then, to that tribunal on the ground that its members are not competent judges of such spiritual questions as are likely to be submitted to their decision. I am aware it may be said that every educated member of the Church must be considered to have a competent knowledge of its doctrines. I know that this ought to be the case; but I put it to your Lordships to say whether it be so indeed. There are, indeed, some leading features of the Church's doctrine so plain and palpable, that scarcely any one of its members, who has received any religious instruction, can be ignorant of them. But there are many grave and difficult questions in divinity, depending upon a right construction of the Articles, which scarcely ever engage the attention of the laity, especially of those whose profession necessarily turns their minds to other subjects. I can easily imagine a case of this sort brought before lay judges, altogether new to them, and scarcely to be understood without previous study and thought; where they might be puzzled to understand the exact meaning of terms, which, to persons conversant with such matters, are the mere alphabet of theology. Is it likely that they will be able to decide satisfactorily such a question, involving, perhaps, in its consequences, the peace and unity of the Church, when all their previous studies have been in an entirely different direction, and when their minds have not been prepared by the habitual consideration of such matters, to take an exact and comprehensive view of the case before them in all its bearings?

Your Lordships are well aware how much of the law of the land has been formed by the decisions of the Judges. Every decision of a point of doctrine by the Judicial Committee, would form, as in other courts of final appeal, a precedent. Such precedents settle or modify the law; and at last become law themselves. And thus a supreme court of justice may, in some sense, not only administer but make laws. I am well aware that the Judicial Committee of the Privy Council has disclaimed both the intention and the power of determining any question of doctrine, properly so called. But is it so obviously impossible as to render unnecessary any attempt to prove it, that they can give any decision upon a question which turns upon a point of doctrine, without affecting to some extent the doctrine itself, as one which is insisted upon, or not, by the Church? Take any one case of this kind. Suppose them called upon to decide a question, whether such or such a doctrine is, or is not, the doctrine of the Church of England. Their judgment may be to this effect: It cannot be denied that the doctrine in question is the doctrine of the Church of England, but we do not think it indispensably necessary that a person should believe that doctrine, in order to the exercise of his ministry in the Church. Who does not see that a succession of such judgments would injure the character of the Church of England as a teacher and maintainer of the truth? Again: the Judges of our courts of law, when called upon to decide new cases, decide upon certain fixed principles, perfectly familiar to them, which they have only to apply to the facts of the particular case. These decisions are looked upon as faithful and true expositions of the law, because they proceed from those whose thorough acquaintance with the whole system of English jurisprudence, both in theory and practice, renders them perfectly competent to give them; and so it may be, that those who are set to administer the law, do in some cases make it. So in cases involving questions of doctrine, the Judges, who are ultimately to decide them, may by degrees alter or modify the laws which relate to them. But then they are not versed in divinity, as the Judges of the temporal courts are in the common and statute law, or in the rules of equity. There may be some exceptions to this; indeed I have had the advantage of knowing more than one ornament of the judicial bench, who was well read in theology. But this will not be a case of common occurrence. On the other hand, I think it will not be denied, that in respect of the knowledge and experience required for coming to a right judgment on doctrinal questions, the collective body of the English Bishops would form a competent and trustworthy tribunal.

And this brings me to a consideration of the principle which is embodied in the Bill now under your Lordships' consideration; that the decision of purely spiritual questions should be left to spiritual judges—not merely ecclesiastical, but spiritual judges. I venture to call this a constitutional principle—one which has been recognised in the constitution of this Christian country from the earliest period of its history; and as an evidence of its soundness and expediency, I would remind your Lordships of a dictum of that great jurist, who is reckoned, by universal consent, the oracle of the common law—Lord Coke. His words are these:—

> "Certain it is, that this kingdom hath been best governed, and peace and quiet preserved, when both parties, that is, when the justices of the temporal courts, and the ecclesiastical judges, have kept themselves within their proper jurisdiction, without encroaching or usurping one upon another: and where such encroachments or usurpations have been made, they have been the seeds of great trouble and inconvenience."

This, indeed, is said of the distinct jurisdiction of the temporal courts, and of the ecclesiastical, commonly so called; but the principle applies to the non-interference of lay judges in matters purely spiritual. Your Lordships may perhaps smile, if in illustration of this I go back to the times of our Saxon ancestors; but I wish to trace up the distinction to the fountain-head of our laws; and, indeed, I shall have to go much further back before I have done. In those times, as is well known, the bishop of the diocese, and the alderman, or sheriff, of the county, sat together in the county court. The opinion of one prevailed in spiritual causes, of the other in temporal. The laws of King Edgar say, "*Celeberrimo huic conventui Episcopus et Aldermannus intersunto, quorum alter jura divina, alter humana populum edoceto.*" And so it continued till the introduction of Norman laws and customs. The statute of *Articuli Cleri* was not merely an enacting statute, but, as Lord Coke says, declaratory of the common law and custom of the realm. The 13th chapter runs thus:—

> "Also it is desired that spiritual persons, whom our Lord the King doth present unto benefices in the Church, if the bishop will not admit them, (either for lack of learning, or for other reasonable cause,) may not be under the examination of lay persons, but that they may sue to an ecclesiastical judge, to whom it of right belongs, for the obtaining of such a remedy as may be just."

The answer is—

> "Of the fitness of a person presented to a benefice, the examination belongs to the ecclesiastical judge. So it hath been heretofore used, and shall be so in future."

It is said by Lord Coke, that "if the cause of refusal to institute be spiritual, the Court" (in the case of a writ of *Quare Impedit*) "shall write to the Metropolitan to certify thereof." In Specot's case, the Court of King's Bench admitted that "it doth not appertain to the King's Court to determine schisms or heresies; and that where the original cause of the suit is matter whereof the King's Court hath cognisance, the King's Court is to consult with Divines, to know whether it be schism or not." Blackstone says, "If the cause of refusal to institute be of a spiritual nature, as heresy, particularly alleged, the fact, if denied, shall be tried by a jury; and if the fact be admitted, or found, the Court, upon consultation and advice of learned Divines, shall decide its sufficiency." Now, this is very nearly the arrangement which I desire to see established with respect to spiritual causes which come before the Judicial Committee. No persons can be better judges of the facts of a case than the learned and able members of that court; and it would be for them to inquire and determine as to the fact of A. B.'s having taught certain doctrines, alleged to have been taught by him; and if he had, then to consult the Bishops whether those doctrines be heretical or not.

The *Reformatio Legum*, the recommendations of which, if King Edward VI. had lived a little longer, would probably have become law, provided, that where any cause of heresy should devolve to the Crown, it should be settled, if a grave cause, by a Provincial Council, or by three or four Bishops appointed by the Crown.

I have already directed your Lordships' attention to the fact, that the first Statute of Appeals expressly declares "that part of the body politic, called the Spiritualty, to be sufficient and meet of itself to determine all doubts when any cause of the law divine happens to come in question, or of spiritual learning." And when power was given to the King to hear appeals by the Delegates, I conceive it never to have been contemplated, that those Delegates should be other than ecclesiastics, or the Judges of ecclesiastical courts; and your Lordships will bear in mind, that down to the reign of Henry VIII. the Judges of these courts were mostly clergymen; and if not clergymen, they were the substitutes and representatives of the bishops, or of other spiritual persons. It is by no means unimportant to remark, that during the reigns of Henry VIII. and Elizabeth, there is no trace of any of the nobility, or common law Judges, in any commission of delegates, nor afterwards in one commission out of forty, till the time of the Great Rebellion. In the celebrated case of Whiston, Queen Anne, in answer to a petition respecting the authority of Convocation to deal with charges of false doctrine, declared it to be the opinion of eight out of the twelve Judges, and of the Attorney and Solicitor General, that "a jurisdiction in matters of heresy, and condemnation of heretics, is proper to be exercised in Convocation."

Having thus, my Lords, traced the principle of entrusting the decision of spiritual questions to spiritual persons, through the history of the English law, I must now call your Lordships' attention to the practice of the early Church. I have already said that it willingly recognised the principle of regal supremacy, and had recourse to it for protection and support in the discharge of its spiritual functions. The Emperors not only summoned General Councils, but sometimes presided over them, either in person or by their legates; not for the purpose, at least not for the avowed purpose, of overawing their decisions, but simply to take care that all their proceedings should be regulated according to the canons of the Church, and that there should be no extravagation beyond the line which those canons had marked out as that within [which the Church was to exercise its proper jurisdiction. De Marca, in his well-known Treatise *De Concordia Sacerdotii et Imperii*, cites, as an instance of this, the proceedings of the Emperor Theodosius with respect to the Council of Ephesus. Speaking of the Roman Emperors, who claimed the right of hearing and determining appeals from ecclesiastical tribunals, he says—

> "Eximia auctoritate potiti sunt Imperatores Romani in rebus et judiciis ecclesiasticis. Sed nullum, ut existimo, proferri potest exemplum judicii canonici, ab uno episcopo redditi, de quo statim recta via querela delata est ad Principem. Illi judices ecclesiasticos dabant; nunquam autem de re canonicâ cognitionem suscipiebant, sed de ordine judiciorum."

Van Espen, the most celebrated of modern Canonists, says—

> "Indubitatum, examen ac decisionem fidei Ecclesiæ, ejusque ministris, non autem Principibus laicis a Deo concreditum. Nec id unquam Principes Catholici sibi attribuerunt, sed ipsos Pontifices, et Episcopos, et Ecclesiæ Pastores, judices doctrinæ nunquam non cognoverunt."

And again—

> "Aliud enim longe est, Principem se interponere promulgationi novæ legis per suas provincias, ejusque executioni: et aliud, velle judicare de ipsis articulis et dogmatibus, sive quid de fide credendum, vel non credendum, definire—nunquam enim a Principis officio alienum esse existimatum est, externum illud jus quod consistit in imperando, cogendo, promulgando, pacem, custodiendo."

This is the principle which regulated the exercise of the imperial or royal supremacy in the *Appellatio tanquam ab abusu*, of which so much was written by the French lawyers and divines, and which is still a subject of discussion—the *Appel comme d'abus*. The interference of the supreme civil power is limited, according to M. Lainé, as quoted by M. Dupin, in his *Manuel du Droit Ecclésiastique*, to—1. Excess of power in spiritual matters; 2. Violation of the laws and regulations of the kingdom and of the rights of citizens; and, 3. Outrage or violence in the exercise of ecclesiastical functions. But no right of interference has ever been claimed in the determination of purely spiritual questions. This question was agitated in the well-known contest for the liberties of the Gallican Church, in which the celebrated Bossuet bore so conspicuous a part. But long before his time the authority of bishops in deciding questions of faith, independently of the Pope and, *à fortiori*, of the Prince, had been strenuously asserted by the Doctors of the Sorbonne, as belonging to the episcopal office by divine institution. One of their most celebrated writers, Petrus Alliacensis, afterwards Archbishop of Cambrai and a Cardinal, in a treatise addressed, in the name of the Faculty of the Sorbonne, to Pope Clement VII., asserted, that to exclude bishops from the examination and decision of matters of faith, was *contra jus tum divinum quum humanum.* This principle is still acknowledged in the ecclesiastical law of France; for, though the *Appel comme d'abus* is still admitted, it is only in matters which affect the rights and liberties of the subjects, not in questions of faith.

I now proceed, my Lords, to adduce some arguments in favour of the Bill, from the analogy of our courts of law. I am aware that the analogy is not perfect; that it does not extend to that provision in the present Bill, which makes the opinion of the Bishops compulsory upon the Court of Appeal; but still it justifies, I think, the essential principle of the Bill, which is, that the court shall take for its guide the judgment of competent persons. Your Lordships are aware that it is a maxim in our courts of law, that *cuique in sua arte credendum est;* in pursuance of which, when any matter comes before a court which it is not competent, for want of knowledge, to decide, it refers for advice and guidance to those who are. I will read to your Lordships a brief statement relating to the Court of Chancery, furnished me by a learned friend who practises in that court:—

"When a disputed question of common law arises in the course of a Chancery suit, and is necessary to be determined before the suit can be finally disposed of, it is the practice of the Court of Chancery either to direct the parties to try the question in an action to be brought by one of them against the other for that purpose in a common law court, or to order a special case to be stated and sent to a common law court, for the purpose of obtaining the opinion of that court upon such question. In the former case, the result of an action binds the parties, and is acted on as conclusive by the Court of Chancery; but the Lord Chancellor is not bound to act on the opinion certified by the Judges in answer to a special case, but may, and often does, send a second case, stating the same question, to a second court of law; and even a third case to a third court. It is true that in theory a Judge in Chancery might refuse to act upon any of these opinions, but, practically, the certificate of one or more of the common law courts—according as the case may have been sent to one or more—is adopted and acted upon by the Judge in Chancery, and is made the foundation of the decree, as far as relates to the legal question."

With regard to foreign law there was more difficulty, obviously, in ascertaining what it was:—

"Our courts do not take judicial notice of any foreign laws; and, when a question of foreign law arises, either in Chancery or before the common law courts, it is dealt with as a question of science, to be proved—like matters of fact—by the testimony of witnesses practically conversant with the subject. The principle and mode of proof is exactly the same, whether the question be one of chemistry, or of mechanics, or of French law. None of our courts have jurisdiction to direct any mode of trial before a foreign court; but the evidence on which they proceed is the sworn opinion, orally delivered, of a person learned and experienced in the foreign law."

I will here read to your Lordships the opinions of learned Judges, whose names will carry infinitely greater weight than any statements of mine. The first is from that learned and excellent person, whom I have already mentioned in terms—I was going to say of commendation, but I feel that it would be presumptuous to use terms of commendation respecting him; most gladly do I pay the tribute of my deep and unfeigned respect to the late Lord Chief Justice of the Queen's Bench. In the Baron de Bode's case, Lord Denman said—

"There is a general rule, that the opinions of persons of science must be received as to the facts of their science. That rule applies to the evidence of legal men; and I think it is not confined to unwritten law, but extends also to the written laws which such men are bound to know. Properly speaking, the nature of such evidence is not to set forth the contents of the written law, but its effects, and the state of law resulting from it. The mere contents, indeed, might often mislead persons not familiar with the particular system of law; the witness is called upon to state what law does result from the instrument."

Mr. Justice Coleridge, in the same case, said—

"What in truth, is it that we ask the witness? Not to tell us what the written law states, but, generally, what the law is. The question for us is, not what the language of the written law is, but what the law is altogether, as shown by exposition, interpretation, and adjudication."

In the case of the Duchy of Bronte, Lord Langdale expressed his opinion thus:—

"With foreign laws an English Judge cannot be familiar; there are many of which he must be totally ignorant; there is, in every case of foreign law, an absence of all the accumulated knowledge and ready associations which assist him in the consideration of that which is the English law, and of the manner in which it ought to be applied, in a given state of circumstances to which it is applicable. He is not only without the usual and necessary assistance afforded by the accumulated knowledge and able suggestions contained in the arguments which are addressed to him, but he is constantly liable to be misled by the erroneous suggestions of analogies which arise in his own mind, and are pressed upon him on all sides. These difficulties are obvious enough, even in cases in which he may have before him the very words of that which has proved to have been the law applicable to the event in question. Even if we suppose it to be proved that the law has not been legislatively repealed or varied, and has not fallen into disuse, and that the words have been accurately translated, still the words require due construction; and the construction depends on the meaning of words to be considered with reference to other words not contained in the mere text of the law, and also with reference to the subject matter, which is not insulated from all others. The construction may have been, probably has been, the subject of judicial decision; instead of one decision, there may have been a long succession of decisions, varying more or less from each other, and ultimately ending in that which alone ought to be applied in the particular case. The difficulty which arises under such circumstances is obviously very great; but it is vastly increased when the law itself, or the form or collocation of words in which the law is expressed, has never been authoritatively expounded, but is to be discovered from decisions or usages, or from the opinions of unauthorised writers, who may have written much that is acknowledged to be existing law, and also, in the same books, much which is contrary to existing law. The decisions were subject to be, and may have been, altered by subsequent decisions, and the precise application of them to the case in question may only be ascertainable by means of an accurate historical and legal deduction from all that has passed in the courts on the subject; and a Judge who seeks information as to a foreign law, has not, in himself, the means of distinguishing the correct from the incorrect proposition of a text writer. Whoever has considered the nature of the difficulties which frequently arise in our own Courts in the investigation of English law, applicable to particular cases, and the mode of reasoning and investigation by which it is endeavoured to surmount those difficulties, will perceive what presumption it would often, nay, generally be, in an English Judge to attempt to apply the same process to the investigation of a foreign law, and the consideration of its proper application to particular cases. The rule of English law, that no knowledge of foreign law is to be imputed to an English Judge sitting in a Court of only English jurisdiction, is undoubtedly well founded; and as cases arise in which the rights of parties litigating in English Courts cannot be determined without ascertaining, to some extent, what is the foreign law applicable in such cases, the foreign law and its application, like any other results of knowledge and experience in matters of which no knowledge is imputed to the Judge, must be proved, as facts are proved, by appropriate evidence, *i.e.* by properly qualified witnesses, or by witnesses who can state, from their own knowledge and experience, gained by study and practice, not only what are the words in which the law is expressed, but, also, what is the proper interpretation of those words, and the legal meaning and effect of them as applied to the case in question."

I may refer also to the practice of the High Court of Admiralty. When any question comes before it, which is to be decided according to the rules of nautical science, the Judge of that Court calls to his assistance some of the Elder Brethren of the Trinity House, and by their opinion he is invariably guided in his decision.

I have not yet quite done with the argument from analogy. From our own courts of law I would now direct your Lordships' attention to the practice of other churches. In the Established Church of Scotland, the final decision of all questions relating to false doctrine rests with the Church Courts. True, they consist of lay elders as well as ministers; but they are strictly Church Courts according to the constitution of the Scottish Kirk, for the lay elders are office-bearers in the Kirk. The decision of spiritual questions is left entirely to those courts which the Church considers to be competent to decide them. In the churches of Prussia such frequent changes have been made, and not only, I am sorry to say, in external regulations and questions of discipline, but as to the profession of vital and essential doctrines, that it is not easy to say what the present state of those churches really is. But, according to the projected constitution of 1850, a question of false doctrine, taught by a minister of the Evangelical Church, is to be decided by the Church itself, represented by a General Assembly, a mixed assembly of clergy and laity. With regard to the Roman Catholic Church, subsisting in Silesia, and the Rhenish provinces of Prussia, there is no interference whatever in questions of false doctrine, on the part of the Government, but they are left to the authorities of the Church, even in the case of professors in the universities.

I have now, my Lords, in the last place, to notice, very briefly, some of the objections which have been made to this Bill, partly in the public papers, and partly in petitions against it. And I must say that if no weightier arguments can be adduced against it than those which have been hitherto urged, I do not think that I have much to fear. One objection is, that the Bill proposes to constitute a new legislative body, having power to frame new doctrines. It is enough to say, in answer to this objection, that no power will be possessed by the new court, which is not possessed by the present. Supposing that it was in contemplation to invest any persons with the power, not simply of determining of any particular opinion, whether it be consistent with the Church's doctrine, (which is all that the Court of Appeal will have to determine,) but of framing new doctrines; surely the Bishops would be more competent to exercise that power than the court as at present constituted.

Another objection is, that the laity are to be excluded. Now one peculiar merit of the Bill is, that it retains the laity in the exercise of their proper and legitimate functions. It will not displace the Members of the Judicial Committee from their office, as judges of fact, judges of the law, and of the rules of justice; but they will have to take their measure of true or false doctrine from those who, I am bold to say, are more competent than themselves to judge of such questions. I am most anxious, my Lords, that the laity should know and exercise their privileges as members of the Church. By the fundamental principles of the Church of England all its different members, laity as well as clergy, have certain rights, and certain duties, upon the faithful discharge of which the safety and efficiency of the Church itself depend. There are common duties to be performed by all; but there are also particular duties to be performed by particular members, and they are not to interfere with one another.

I am clearly of opinion that no judicial tribunal is likely to be properly conducted, which is not presided over by a lawyer. There is a peculiar habit of mind formed in lawyers by study and long practice. When I was a younger man I used to fancy myself a tolerably good ecclesiastical lawyer; but when I grew older, I learned to recognise that peculiar habit of observation and thought, a sort of idiosyncrasy of legal minds, the result of long training and practice, which enables a lawyer to detect a flaw in argument, and to see at once the real strength or weakness of a case, and to apply to it the rules of law. I would have them employ that peculiar power of mind, in ecclesiastical causes, upon any legal question incident thereto; but I do not consider that it qualifies them to decide any point of religious doctrine.

A third objection is of a rather singular character; the possibility of heterodoxy amongst the bishops. Now this may be a very good reason for requiring some change in the mode of appointing bishops; but not for depriving them of their legitimate jurisdiction and inherent rights, when they have been appointed to their office.

A fourth objection is, that the Bill will give to a majority of the bishops the power of determining the fitness of any man to hold office in the Church. If this objection has any weight, it applies much more strongly to the power, which a single bishop possesses, of preventing any person from entering into the sacred ministry of the Church, by refusing him ordination—a power which, I am persuaded, no man thinks of questioning. Besides, my Lords, as this power must reside somewhere, it is surely much better, if we look to the competency of the judges, that it should be entrusted to fourteen or fifteen bishops, than to six or seven lawyers.

A difference of opinion amongst the bishops on a point of doctrine would undoubtedly present a difficulty; but this is equally true with respect to convocation, or a council; and whatever the difficulty may be, we must look it boldly in the face. The Bill may possibly be modified in Committee so as to obviate that difficulty; but at all events it is not to be put in competition with the important principle involved in the Bill.

The last objection which I think it necessary to notice, is one which has been urged in a public print of great influence, namely, that it may be doubted, how far such an assembly of bishops as the Bill proposes, can be taken to represent the authority of the Church. My Lords, it certainly would not represent that authority. According to the constitution of the Church, no person, nor any body of persons, can be held to possess, or represent its authority, except its legal representatives in convocation assembled. The meeting of bishops, contemplated in this Bill, would not be a synod of the Church, nor would it have the authority of the Church.

My Lords, I will no longer trespass upon your indulgence. I have already done so at greater length than I wished; but on a subject with which your Lordships could not be expected to be familiar, I have thought it necessary to explain my views more in detail than would be necessary on ordinary occasions. I now leave the matter in your Lordships' hands. It remains for you to decide a question of supreme importance to the Church, with whom is to rest, at least for some considerable time to come, the final adjudication of any doubt which may arise, and must be solved, whether a doctrine, alleged to be at variance with the teaching of the Church of England, be really so, or not. Putting aside for a moment the inquiry, who ought to be the judges of such a matter, according to the first principles of church government, the practice of the early church, and the theory of our own, I would humbly ask, Who are most likely to bring to its examination the qualifications necessary to insure a right decision; a number of lay judges, whose studies and thoughts have taken a direction altogether away from the subject-matter to be decided; whose minds have been engrossed by pursuits and inquiries of an entirely different nature; or the collective episcopate of England, consisting of men, who must be supposed to have been trained up from their early years in the study of theology, especially of those branches which relate to the distinctive doctrines of their own church; men, to whom the consideration of such questions must, from the nature of their ordinary duties, be almost of every-day occurrence; who are more likely than any other persons to have looked at the doctrine submitted to them in every point of view, and to have qualified themselves to pronounce a just and well-grounded opinion, as to its accordance with the Church's standards of truth?

But, my Lords, I would not be understood to rest my case entirely upon the probabilities of superior fitness in point of theological learning. I rest it, also, and in the first place, on the inherent and indefeasible right of the Church to teach and maintain the truth by means of her spiritual pastors and rulers; a right inherent in her original constitution, and expressly granted to her by her Divine Head, in the terms of the apostolical commission. On this point I will say no more. It will probably be dwelt upon by some of those who will follow me in the debate; but I cannot conclude without protesting against an inference, which may possibly be drawn from the fact of my having laid so much stress upon Acts of Parliament, and ancient practice, and upon the question of comparative competency and fitness of judges, that I think lightly of what is in truth the fundamental and vital principle involved in this subject, namely, the inherent and inalienable right of the bishops of the Church of England to be the judges of questions of its doctrine, duly submitted to them.

I now commend this measure to your Lordships' calm and serious consideration. I am myself almost overpowered by a contemplation of the results which are likely to follow from its rejection. I commit it to your Lordships' judgment, not without anxiety and apprehension; but at the same time not without hope. Looking to its extreme gravity and importance, your Lordships will not be surprised, if I conclude, with somewhat more than ordinary solemnity, by the expression of a devout and earnest wish, that He, who has committed to His Church the sacred deposit of His truth, may guide you to a right conclusion.

The MARQUESS of LANSDOWNE felt it right to take the earliest opportunity of stating the view which he in common with the rest of Her Majesty's Goverment entertained with respect to this most important—he might almost add perilous—measure. He felt the disadvantage under which he laboured in attempting partially to follow a right rev. Prelate who spoke with so much authority upon any subject, but more especially upon one to which he had given so much consideration; in the absence, too, of a noble and learned Lord whom he might still call his much-esteemed and revered Colleague, the Lord Chancellor, who had for years sat upon the Woolsack, and who, if he had been present, would have stated the objections that are to be urged against the Bill with much greater authority and ability than he could. He (the Marquess of Lansdowne) was bound frankly and openly and explicitly to state the alarm he felt at this measure. In stating the grounds of that apprehension, he was sure he might claim the same favourable interpretation on the part of their Lordships which the right rev. Prelate had claimed, that nothing which he should say might be construed to imply anything so contrary to his intention as the slightest disrespect to that sacred and learned body whom the right rev. Prelate proposed to constitute into a new tribunal, for which rev. body, in their proper functions, he entertained the utmost respect. He might state in the very outset that his motive for troubling their Lordships thus early was because he objected at the present moment to any legislation at all on this subject; for he thought that misconstruction would inevitably be put upon any decision for altering in haste that tribunal which was the constitutional tribunal of this country for the trial of such cases, and which had for centuries exercised those functions. He said "in haste," because he could not conceal from himself that the anxiety for passing the Bill in the present Session had been connected with the dissatisfaction which had been felt, if not expressed, at the decision of what, as only nominally belonging to it, he might call that august tribunal which was invested by the Crown, by the law, and by the constitution, with the administration of Her Majesty's prerogative. He was satisfied, however, that whatever doubts the right rev. Prelate might have felt as to the particular sentence of that tribunal, he would disclaim the intention to pass a censure upon the judgment which, after solemn argument and consideration, had recently been adopted by that body. But would the public entertain the same feeling? Would not they be led to think that it was because a certain decision had been pronounced by that tribunal, that, within four months afterwards, Parliament was called upon to interfere for the reconstitution of such tribunal? He (the Marquess of Lansdowne) spoke without any difficulty, and without any affectation of modesty upon this subject, as being himself only nominally a member of that tribunal, for it was well known to their Lordships, though it might not be equally well known to the public, that although, as President of the Council, he had necessarily a right of entrance to all its Committees, yet, upon questions of a judicial nature, he had thought it his duty never to interfere. The only connexion he had had with the proceedings of the Privy Council in this matter had been to tender his advice that the right rev. Prelate himself, the most rev. Prelate at the head of the Church, and the Archbishop of York, being Privy Councillors, should be especially summoned and invited to attend that tribunal for the purpose of affording their advice and assistance. He would not conceal from their Lordships that he, in common, as he believed, with the great portion of the clergy of this country, and with a still larger portion of the Church laity, considered the judgment given by that tribunal to be one that had proved satisfactory. ["Hear, hear!" *and a cry of* "No, no!"] To all Churchmen, in the present unhappy—he had almost said distempered — state of men's minds upon these subjects, it was impossible that any decision could have given perfect satisfaction; but he believed the decision which had been pronounced had given as much satisfaction as the nature and difficulties of the subject permitted. He would ask their Lordships whether they did not think that, under these circumstances, any attempt, not to set aside that tribunal, but to leave it without a judgment, without an opinion stripped of all dignity, was not practically an imputation upon that body, to which none of their Lordships who were not prepared to make a great change in the constitution, could assent? He would ask what would be thought if any decision of a court called upon to administer the law, and which attracted more than an unusual share of public attention, was immediately followed by an attempt to alter the constitution of such a court, or to set it entirely aside? Supposing that after the Court of King's Bench, then presided over by Lord Mansfield, had given its decision on the important question of general warrants, a Bill had been instantly brought into Parliament to take away the jurisdiction of that court in cases of libel, would it not have been regarded by all mankind as a reflection upon the judgment so delivered? But although many noble Lords had been much dissatisfied with that decision, no one had suggested that the Court of King's Bench should be deprived of its powers, or placed upon a footing different from that on which it then stood. For these reasons, then, he was not prepared to give his assent on the part of the Government to proceeding further with this Bill, or, at the present moment, with any legislative measure whatever, subject as such measure must be to manifest misinterpretation and misconstruction in the public mind. His objection undoubtedly applied to any Bill whatever upon this important subject—a subject the importance of which he was satisfied their Lordships appreciated to its full extent. While, however, he objected generally to any legislation on this subject, he entertained the strongest objection to the particular measure proposed by the right rev. Prelate. That measure, in his opinion—and he thought it right to state it distinctly—struck a blow at Her Majesty's prerogative, and for the first time introduced into this country a tribunal, the decisions of which, in the language of the Bill, were to be considered as "binding and conclusive," depriving Her Majesty's Privy Council, and consequently Her Majesty Herself, of a power which—not in Protestant times only, since the Reformation, but from the earliest times previously to the Reformation—had always been considered the essential prerogative of the Crown—the government of the Church. The right rev. Prelate had said, that he did not think the exercise of that power had been an intolerable burden to the Church—

The Bishop of LONDON: I went much further; I said I considered, not merely that it was not an intolerable burden, but that I thought it a great good.

The Marquess of LANSDOWNE would go further than the right rev. Prelate, for he considered that power indispensable to the liberty of the Church; but by the present Bill, Her Majesty and her advisers would be shackled by decisions proclaimed upon the face of the measure to be binding and conclusive; and whatever opinions Her Majesty might entertain as to the course of judicature she was bound by oath to administer, she would be deprived of all power to carry those opinions out. Every Privy Councillor was required to take an oath, that upon all questions that came before him, he would speak his mind and act according to the decision of that mind; but how was he to do so if this Bill passed, and a decision was sent to him which was to be binding and conclusive, and with regard to which he had no option except that of recording such decision as binding upon the Crown? The agency of a body which was assumed to possess some dignity—the Privy Council—was to be employed for the mere ministerial purpose of sending questions in the first instance to a convocation of bishops, and receiving the decision of that convocation, without being able to touch or alter the judgment, whatever the opinions of the Council might be on the subject. This was a function which he (the Marquess of Lansdowne) thought would be quite as well discharged by his excellent friend Mr. Greville, the clerk of the Privy Council, without setting the whole Council in motion to carry out the decrees of the right rev. Prelates. It was most important to keep in view that the power of the government of the Church was one which, at all times, before the Reformation, at the Reformation, and since the Reformation, had formed one of the most essential prerogatives of the Crown. He was glad to find that this was acknowledged as a constitutional principle in what were called Catholic times. He had in his hand an extract from the Laws of King Edward the Confessor, where it was said, *Illos decet vocari reges qui vigilanter defendunt et regunt ecclesiam Dei et populum ejus, imitati Regem Psalmographum dicentem ' Non habitabit in medio domûs meæ qui facit superbiam.'* " In the Statutes of Clarendon it was also laid down that—" If appeals arise they ought to proceed from the archdeacon to the bishop, from the bishop to the archbishop, and lastly to the King (if the archbishop fail in doing justice), so that the controversy be ended in the Archbishop's Court by a precept from the King, and so that it go no further without the King's consent." From the period of the Reformation there were a series of examples which he thought established beyond a doubt the fact that the Crown had uniformly exercised the power of controlling decisions in ecclesiastical causes, of pronouncing upon such causes through persons whom it thought fit to employ, and of setting aside the decisions of those persons. He begged to remind the House that the Court of Delegates was constituted not of ecclesiastics only, but of some ecclesiastics and some civilians. The right rev. Prelate had stated, that no noblemen were appointed members of that court, but he had not stated that among the members there were uniformly civilians. He (the Marquess of Lansdowne) had been informed, also, by one of the most eminent civilians in this country, who had had occasion to look through the commissions constituting the Court of Delegates, that when questions of fact and not of doctrine were to be decided, it was required that no decree should be pronounced without the presence and assent of a common law Judge. This led him to take notice of a fallacy which ran through great part of the right rev. Prelate's speech. It should never be forgotten that the question to be determined in the case supposed was a question of fact and law, not a question of what the law ought to be. If the questions to be decided by the Privy Council were questions of doctrine in the sense the right rev. Prelate implied requiring the power—questions relating to the doctrines that ought to be taught, and requiring for their decision the careful study of theology—he (the Marquess of Lansdowne) would entirely agree with the right rev. Prelate, that such a tribunal ought to be constituted of spiritual persons, and of spiritual persons only. But he denied the interpretation of the right rev. Prelate. He considered that they were dealing with arguments and rules which were facts, and homilies that were facts, and that they were not, in the present century, to endeavour to discover whether new doctrines should be added, or old doctrines altered. He was not prepared for this; and if we must enter on such an inquiry, he should not be prepared to conduct it in the way to which the right rev. Prelate pointed.

He was no friend to the expediency of reviving convocations, well remembering the emphatic words of one of the greatest statesmen in this country, and one of those most attached to its ecclesiastical establishment—he meant Mr. Burke—who, while stating that the convocation and its powers, though dormant, still existed in this country, and might be called forth at any moment, observed, that those who did restore it might find they had conjured up a spirit which would dare to defy them. He (the Marquess of Lansdowne) doubted whether the calling together of the convocation would conduce to peace; but, if he did advise the assembling of the convocation, he would not exclude from it the inferior clergy. He would not have the assembly composed of bishops, and exclude from it all men who had the misfortune not to be bishops. [The Bishop of LONDON: Hear, hear!] He was glad to hear the right reverend Prelate intimate his assent. If they were to raise up new doctrines, and modify old doctrines, they could only do it by a convocation, and there could be no convocation, according to the laws and constitution of this country, unless it included with the bishops the inferior clergy. He did not say that it would be wrong or unconstitutional to call together the convocation, but he thought it would be in the highest degree inexpedient. The object of the right reverend Prelate, as he had stated, was to produce peace and concord: but it was certain that, when they had got rid of the present tribunal, composed of a limited number of persons, and had substituted for it another tribunal composed of a much greater number of persons, bringing to that tribunal preconceived opinions—he would not call them preconceived prejudices—did their Lordships believe that when all the scattered winds of doctrine which unfortunately prevailed at this moment in this country were forcibly driven within the walls occupied by this new body, a state of harmony and peace would be immediately produced? He doubted whether such harmony would be established either within the precincts of the tribunal, or among the public without the walls who entertained conflicting opinions on the points at issue. If it should unfortunately become notorious that, under this Bill, there was a bare majority of the bishops entertaining a particular view of the doctrinal question submitted to them, while the minority—including perhaps the two archbishops, and perhaps those prelates who were believed by the public to possess the greatest amount of learning and information on the subject—held opposite opinions, did the right rev. Prelate think that the acquiescence of the public—aye, of the clergy—would be given to the decision? Those persons must be very ignorant of human nature who entertained such an opinion—who thought that because in a body of 32 persons 17 or 18 persons decided one way, and 14 or 15 another, the minority would give up their opinions for those of the majority—or that, when the members of the Lower House of Convocation were altogether excluded from the deliberation, they would for the sake of peace and harmony abandon their own views. The right rev. Prelate had said, that the object of his measure was to take the decision of these questions out of the hands of incompetent persons, and intrust it to persons who were competent, giving the reality to the latter, and leaving nothing but the form to the others. He almost thought that the rev. Prelate at one time seemed to intimate that the decisions of this body would, by being repeated one after the other, gradually lead to an alteration or amelioration of the doctrine of the Church.

The BISHOP of LONDON said, he certainly had not done so.

The MARQUESS of LANSDOWNE was exceedingly glad to hear it. If the object of this tribunal was not in any way to affect existing doctrines—if its powers were to be confined, as he thought they ought to be, to the decision of facts, to determine whether certain doctrines were or were not held by the Church of England, then he could only say that he thought learned laymen were best fitted to determine such matters. The right rev. Prelate had said, that he had observed that pecular idiosyncracy—that constitution of men's minds acquired in practising the law, which singularly enabled them to detect and sift bad from good evidence, and upon that good evidence to found a just decision. He (the Marquess of Lansdowne) asked them for a just decision, not from persons pretending to be conversant with theology, but from persons able to distinguish what were authorities in theology and what were not. The courts of law were frequently called upon to decide difficult cases, with respect to which they did not possess those particular branches of knowledge which would enable them confidently to come to a decision. But what did they do in such a case? Did they call upon the Queen to establish another tribunal? No; but they called before them, as the Privy Council did in the case they recently decided, the persons best qualified by learning and experience to give information on the subject. That had been done with regard to other not unimportant sciences, as well as with regard to theology, which was undoubtedly, in many respects, the most important of all sciences. When the originality of Mr. Watts's invention, which involved the most abstruse and minute questions of chemistry, for which he claimed a patent, was disputed, the case came before the Court of Chancery; but although that court was composed of laymen, who had probably little or no chymical knowledge, and their decision affected various important interests, it never occurred to any one in Parliament to call upon the Crown to constitute a new tribunal, consisting of Dr. Priestley, Dr. Black, or other great chymists of the day, who might thoroughly understand the subject, to decide the case. The Court of Chancery called before it chymist after chymist; it took time to deliberate, and pronounced a judgment which gave to all parties, chymists included, the most perfect satisfaction. Upon the question which had recently been agitated, he (the Marquess of Lansdowne) could pretend to give no authoritative opinion; but, from looking at the declarations of our ancestors, at the statements of eminent divines holding various opinions, at the Articles of the Church, and at the opinions of the best writers on those Articles, he had come to the conclusion that it was the wise intention of the founders of the Church to leave a certain latitude; and he considered that any attempt to go back from that wise policy, so far from conducing to peace and quiet, would be an incitement to dissension. To adopt the principle proposed, would be, in his opinion, the surest way of preventing the efficacious union of good and wise and holy men for the purpose of advancing those truly great interests in which our religion, our prosperity, our happiness here and hereafter were involved. Make points of doctrine a question of the decision of a bare majority of the bishops, and the ferment in the public mind, so far from being appeased, would simply resolve itself into the form of agitated speculation as to the time when other bishops should come with different opinions to form a majority deciding the other way. In such a state of things, when a bishop should be appointed, the question with the public would be, not whether he was a good man, a wise man, a pious man, but what were his views with reference to the last decree of the bishops? There would be endless consideration and reconsideration of doctrines, which, if raised, should be decided once for all—decided by an impartial tribunal—that was to say, by a tribunal with no preconceived opinions, learned in the law, accustomed to weigh evidence, and thus best prepared, when called upon by their Sovereign, to inform Her what ought to be the doctrine, what was the fact, and what the law. Having said thus much, he had no objection to state that, though not prepared to legislate on the subject, he considered it desirable, while preserving the judicature established by his noble and learned Friend opposite, and the prerogatives of the Crown as hitherto exercised, that, for the purpose of showing the public that these questions could not be determined without the great authorities of the Church being fully heard, it should not be left to the Crown, or to the President of the Council, as in the recent case, merely to invite the attendance of right rev. Prelates, but that any bishop, being a Privy Councillor, should *de jure* be a member of the tribunal in such cases; and he considered further, that any member of the Council, not being a member also of the Church of England, ought not to sit in such cases. He thought that these regulations might very advantageously be a subject for future consideration; but as to the Bill before their Lordships, believing that its only effect would be to aid in keeping alive the heats and differences now unhappily existing, he should move, and he did so most respectfully, that it be read a second time that day six months.

Lord BROUGHAM said, having heard the able and practical speech of the right rev. Prelate, as well as the forcible argument of his noble Friend the President of the Council, he considered that he had now heard all that could be said on both sides of the question. He was afraid he should find himself in a position not unusual with Members who belonged to no party in the State—that of giving satisfaction to neither side, being unable either to adopt the Bill, or instantly to reject it. If he was called upon to say "Aye" or "No" to the Bill, as it now stood, he should vote for postponing the second reading. The position in which he himself stood was so peculiar as to encourage him to grapple with the difficulties, neither few in number nor small in amount, that surrounded this important question—

important because it trenched upon great constitutional principles, because the people of England had their eyes directed to the controversy, but, above all, important for this reason—that they now saw the venerable fabric of the Church placed in circumstances—God forbid that he should have to say of jeopardy! but—such as must cause anxiety to her sincere well-wishers. It was his (Lord Brougham's) Bill that constituted the Judicial Committee; it was he, also, who had abolished the Court of Delegates. He believed his noble and learned Friend on the woolsack would agree with him, that the abolition of the old Court of Review did take away from the Church, to a certain extent, the security which she had possessed for the soundness of her doctrines. There was a great schism, at least, of opinion in the Church. That the Church was now threatened with an extension of this schism, with a widening of the breach, he could not doubt; and the House was called upon to take care that no measure should receive their sanction which had the least chance of extending the schism and widening the breach. They were, therefore, called upon, not hastily, or without the fullest consideration, to reject a measure proposed with a view of healing the breach. Upon these considerations he was opposed to an immediate rejection of the Bill; but at the same time he was favourable to a consideration of how far the objections to it could be removed, which, if they continued unremoved, must of necessity lead to his pronouncing a direct negative against it. He could not help feeling that the Judicial Committee of the Privy Council had been framed without the expectation of questions like that which had produced the present measure being brought before it. It was created for the consideration of a totally different class of cases; and he had no doubt that, if it had been constituted with a view to such cases as the present, some other arrangement would have been made. But was it, as his noble Friend said, dangerous to introduce any measure at all?

The Marquess of LANSDOWNE: I said it was inexpedient at the present moment.

Lord BROUGHAM: His noble Friend said, it was inexpedient, at present, to legislate, when men's minds were in a fervour upon the subject, and that it was not desirable to make any change in the constitution of the Judicial Committee just after the recent decision. He agreed with his noble Friend, that if it were proposed to change the constitution of the Judicial Committee radically, that argument would be irresistible; but his noble Friend must not be led away by his own argument. Such was not the proposition. At the same time, as he had already observed, there were objections to the Bill which must be removed before he could assent to it. One of its first provisions was, that by the decision of the prelates as to the doctrines of the Church, the Judicial Committee should be bound. He utterly objected to any such proposition. As a member of that body, he objected to bind the Judicial Committee by any decision out of it; because he, as a member of it, was sworn to administer justice there according to his own conscience, and not according to the decisions of any other party whatever. But it was said that this provision was analogous to the practice of the Court of Chancery, which directed cases to be sent to the courts of law for their opinion. No doubt such was the practice of the Court of Chancery; but the Court of Chancery was not bound by the opinions of the courts of law. His noble and learned Friend upon the woolsack well remembered the case which Lord Eldon was so fond of telling. Lord Eldon had a question before him — whether an estate was an estate in fee, for life, or in tail; and he asked for the opinions of the courts of law upon it. One court said it was an estate in fee, another that it was an estate for life, and the third that it was in tail. Whereupon, said Lord Eldon, "I decided that there was no estate at all, and I had the unanimous concurrence of all Westminster Hall," except, he supposed, of the three courts. This would convince his right rev. Friend that he was completely wrong in supposing there was any analogy between his own proposition and the practice of the Court of Chancery; for the Bill, as it stood, called upon the Judicial Committee to follow the answer given in any case sent to them by the first meeting of the assembled prelates, which might be carried there by the barest majority. There were twenty-seven bishops, and he feared the history of human weakness precluded the possibility of their being unanimous upon any case so sent to them. There might, then, be fourteen one way, and thirteen another. But the Bill pvovided that a bare majority—a majority of fourteen to thirteen—should bind the Judicial Committee, though upon the evidence before them they might all the while be of opinion that the thirteen were the more trustworthy guides. The Judicial Committee might find that in the thirteen were contained the flowers of the flock, and that in the fourteen were contained—he could not say anything but flowers—but certainly not the most brilliant flowers. It was monstrous to suppose that such a plan could ever be agreed to, for there was no reason or common sense in it. But then it was said, there was great advantage in these opinions being obtained. He thought they would be rather injurious to the peace and character of the Church, as well as to the Judicial Committee. Men were not likely to agree together solely upon account of the great importance of a question, and he feared least of all in theological matters; for he had generally observed in the history of such matters, that they were like gravitation—the attraction was inversely as their distance from each other. The nearer two opinions were together, the greater the heat of controversy between their supporters. Fourteen bishops decide one doctrine not to be the doctrine of the Church; thirteen, that it is. But this was not all. If Mr. Gorham was right, the other party was wrong. Was that all? Was Mr. Gorham alone found to be wrong? No such thing—for there must be a case sent for the opinion of the prelates. See then the responsibility incurred by the Judical Committee. They must pronounce thirteen bishops, the minority, heterodox. Such would be precisely the effect of twenty-seven bishops being consulted upon a man's orthodoxy; for the majority could not decide that Mr. Gorham was orthodox, without also practically deciding that their own minority were heretodox, or, in plain terms, that they were guilty of heresy. How then was this difficulty to be removed? Before entering upon that question, he would just advert to the prevailing errors with which the Judicial Committee were surrounded among the public upon this question. Nothing was more common than to hear the question, "Why do the Judicial Committee, who are mere laymen, presume to reverse the decision of an ecclesiastical court?" His reply to that was, that Sir Herbert Jenner was just as much a layman as he was. "Aye," but it was added, "he is appointed by the Archbishop." But that would neither make him a prelate, a minister, nor even a deacon of the Church, much less a spiritual person; and Sir Herbert Jenner, except he took holy orders, would continue a layman to the end of his time. He was no spiritual judge then, but a lay judge. Then, it is reiterated, he was appointed by the Archbishop, and that made him in some way a spiritual judge. No doubt; but he (Lord Brougham) was appointed to the Judicial Committee by the head of the Church direct, the Sovereign who appointed the Archbishop himself; therefore he was just as little a layman as Sir Herbert Jenner, and his court, the Judicial Committee, was as much a spiritual court as Sir Herbert Jenner's. Then it was asked, how can lay judges arrive at the soundest decisions upon doctrinal questions? Why, just as the Judges arrived at sound decisions upon questions of rights of patent, of chemistry, of optics, of mechanics, or any other science. They would form their own opinions upon the evidence of the most skilful and learned men upon these several subjects; and he contended that it might be just the same with theological doctrine. The doctrines of the Church of England were prescribed by the Act of Uniformity, her Articles, her Liturgy, and her discipline. He would have questions upon these doctrines decided by the Judicial Committee, upon the evidence and the opinions of such learned men as were brought before them; and, in respect to the great importance of the subject, and to divisions of opinion or principle, he was for trying whether any easy and practicable mode could not be given for the explanation of their judgment upon questions of difficulty when they came before them. First, then, with regard to the analogous powers of the Court of Chancery. He was most distinctly in favour of the Judicial Committee being enabled to take the opinion of qualified prelates; but on no account would he consent to their opinion being binding upon the Judicial Committee. In the next place, in order to avoid the anomalous and perilous, or, at any rate, most inconvenient consequences of twenty-seven prelates meeting for discussion, he was for having no such convocation whatever. But he would enable the whole body of prelates, if they pleased, to choose three or four of their number (he should prefer three), whose opinion should be reported to the Judicial Committee to aid them, to inform the consciences of the Committee in arriving at a final decision. But another course had been suggested well deserving of attention—substitute a certain number of prelates, to whom a case, after the manner of the Court of Chancery, may be sent by the Judicial Committee, that is, to the prelates whom they may choose. They would choose, say four, persons in whom the Church had the greatest confidence, and receive the opinions of those four prelates, acting by the majority, as the opinions of the court of law are given. His (Lord Brougham's) mind went entirely with this, and he had reason to think if the Bill went elsewhere it would be considered as materially improving the measure. He spoke as a member of the Judicial Committee over which he had presided for seventeen years, and he declared that in some cases he required the aid of a spiritual body in forming his judgment. He had felt the want of it in *Eslin* v. *Mascot* severely. He had now stated his opinion in the hope that these suggestions, being adopted, would lead to a cordial concurrence in the second reading. He trusted they would be adopted. He was against the Bill as it stood, for he considered it perilous in the extreme; but as a sincere Member of the Church, he hoped they would, at least ultimately, be assented to. This was his earnest hope and trust, for he found, from all the communications he received, how alarming and vexing this question was to sincere members of the Church, of whom he was one. Of all churches that ever existed that Church was the most pious, the most tolerant, and the most learned; or, he should rather say, combined these great qualities the most signally. No church but the Anglican Church combined within itself so much of the qualities indispensable to a true church—piety the first, and learning the next, with charity, meekness, and toleration. Of all the intelligent Dissenters with whom he had had intercourse, he had hardly known one whose opinion was worth consulting, who did not say, "God forbid that evil should happen to the Church! for where should we find another so tolerant and so charitable?" He hoped therefore that the existing breach, instead of being widened by legislation, would be healed; that the schism, disquiet, animosity, and anxiety that now prevailed and vexed so many of our fellow-countrymen belonging to the Establishment, but which gave such pleasure to its enemies, would cease; and that the Church itself might rise, renewed and strengthened by its temporary obscuration caused by schism, was a wish in which he heartily joined the right reverend Prelate.

The BISHOP of ST. DAVID'S said, that until recently he had entertained a hope, and at one time a very sanguine hope, that it might have been in his power to give his humble support to the Bill brought in by his right rev. Friend (the Bishop of London); but it had been with great pain that, after very anxious and mature consideration, he had found himself bound to abandon that hope. He, therefore, felt that it was due to himself and to his right reverend Brethren, that he should trespass for a few minutes on their Lordships' attention while he stated the grounds which had forced him to that conclusion. Even though he had continued to entertain, with regard to the measure, that degree of favourable opinion which he once felt for it, he should still have found it impossible to give his assent to it without some material qualifications. He should have thought it neccessary to protest against being considered as agreeing or sympathising with the view taken of this measure by some of its supporters. He should have felt himself called upon to state that certain features in the Bill, which were regarded, he believed, by many as among its chief attractions and its highest recommendations appeared to him as objections and disadvantages, which, though not absolutely fatal, nor sufficient in themselves to require that he should dissent from it, were exceedingly injurious to it. He could not assent to the doctrine which he had seen stated out of doors, and which, if he was not mistaken, he had even heard uttered in the course of the present debate, that there resided in the body of bishops, in their official character, any peculiar and exclusive prerogative, or even any such pre-eminent and transcendent qualification, as to render them the only proper judges on questions of doctrine which might arise within the Church. So far was he from sharing in that opinion, that he should have thought that the constitution of the proposed Court of Appeal would have been greatly improved if there had been associated with the Prelates, or with any number of them, a certain number of members drawn, not only from the other orders of the clergy, but also from the laity. He was not prepared to say whether such an admixture would have been found practicable or not; but he was certainly strongly inclined to think that it would have been an improvement in the constitution of the court, and that it would have removed a material objection to that tribunal. But had there been no question involved in the measure more serious than this, he might, perhaps, have found it consistent with his duty to vote for the second reading, in the hope that its imperfections might be so far removed as to avoid the disadvantages which appeared to him likely to result from the proposed constitution of the court. But there were other grounds of objection to the measure, as proposed by his right rev. Friend, and abstractions from the amendments which had been suggested to their Lordships, which he, at all events, found it impossible to surmount. One of the most exceptionable portions of the Bill, in his judgment, was that clause which rendered the opinion of the assembled bishops upon a point of doctrine binding and conclusive on the members of the Judicial Committee. That clause had been objected to in the course of the present debate upon grounds the strength and cogency of which must be evident to all; and yet he did not think that the arguments which had already been urged against it were either the only ones, or the strongest and most cogent that it was possible to advance. There were others which had not been noticed, but which appeared to him more powerful still. The principal reason why he protested against that clause was, that it interfered in a great degree with the rights of conscience of the members of the Judicial Committee considered not merely as such, but also as Christian men, and as members of the Church of England. The expediency and propriety of having the Committee composed exclusively of members of the Church had been repeatedly insisted upon; and this point being granted, he would ask how it could be reasonably desired or expected that a lay member of the Church, who had devoted much of his attention to questions of this kind, who—barring the alleged spiritual prerogative—was as competent to form an intelligent opinion on them as any bishop of the Church, and who had arrived at a positive and conscientious conviction on the subject—how, he asked, was it reasonable, or desirable, or how was it consistent with the rights of conscience, that such a man should be bound and fettered by the opinions of other men, and that he should be compelled, not only tacitly to adopt them, but practically to carry them into effect? This was in itself a grave objection to the Bill, and yet it was not the objection which weighed most in his mind. He was not insensible to the force of the arguments by which his right rev. Friend had endeavoured to show that the measure was in perfect harmony with the genius and spirit and principles of the Church. He was willing, for argument's sake, to admit that at a different period, and under different circumstances, the Bill might have been well adapted to the general purpose for which it was intended; but he held that they had no right to consider the measure in that general light, but that they were bound to take it in connection with existing circumstances. He could not at all go along with his right rev. Friend in that part of his speech in which he endeavoured to remove from their Lordships' minds the impression which so generally prevailed, that the measure had originated in the peculiar circumstances and transactions of the time. And when his right rev. Friend alluded to the proceedings which took place among the bishops, assembled to consider the measure, his recollection did not quite go along with him on that point. It was very true and was quite notorious, that his right rev. Friend had long been engaged in framing a measure for the same general purpose as the present; but it had always appeared and did still appear to him, that the measure in its peculiar distinctive character had arisen entirely out of the excitement occasioned by the recent judgment. Indeed, until he heard his right rev. Friend's speech, he had not supposed that there was a man in the country who doubted that fact. He must, therefore, take the liberty of assuming that the special design of the measure was to provide a remedy for a recent existing evil, and to restore peace, tranquillity, and harmony to the Church. And then he would ask their Lordships to consider whether the means were or were not adapted to the end. If the object was to produce peace and tranquillity in the Church, he should wish to know what party in the Church it was likely to conciliate or satisfy. There was a large and powerful party in the Church who, though they did not adopt certain opinions which were supposed to be affirmed by the recent judgment, nevertheless he believed that the judgment was substantially right—that it was a great blessing to the Church—and that it had averted from her a serious evil and danger. He did not mean to deny that even among those persons there were many, probably the majority of them, who were very much dissatisfied with the constitution of the existing court of appeal in spiritual matters, for they had objected most strongly to the court below, which passed the sentence that had been reversed by the existing court of appeal; and he had a right, therefore, to infer that they were equally dissatisfied with the constitution of the Judicial Committee of Council as a court for deciding questions of this description. But still he believed it to be a clear and incontestable fact, that this was not the party whom the present measure would conciliate. On the contrary, they viewed it with a considerable degree of distrust, jealousy, and alarm. Who then were the persons who were to be conciliated by it? Were they those who had expressed alarm, dismay, and consternation—for such was the language which he had seen used—at the recent decision? Many of them had publicly declared themselves dissatisfied with the present measure. Others, indeed, there were who approved of it. But he would beg their Lordships to consider what were the grounds on which these persons hailed it with their approval. Was it that they were satisfied with it as a final measure? Or was it not rather because they regarded it as a stepping-stone by which they might advance to something beyond it? And this was just the point in which he saw an insurmountable objection to the present Bill. He could not describe its probable practical effect as anything but this—to open a new arena of thological controversy, and to invite new combatants to try their strength in it, and fight what they would call the battle of the Church. He begged that he might not be misunderstood. He did not mean to intimate that there would be any disposition in the members of the proposed tribunal, either collectively or individually, to give the smallest encouragement to such a spirit. On the contrary, he was convinced that they would do everything in their power to check it. And he would say, with little fear of contradiction, that, if they were to select from the whole body of the Church, and from every order in it, a set of persons to be appointed for this purpose, it would be very difficult to find the same number of men who would in all probability exercise the powers to be vested in them with a greater degree of discretion, moderation, and impartiality, than he firmly believed would be found in the proposed court of appeal. But unfortunately it would not rest with them whether such a spirit should be evoked or not. It would rest with a few unquiet spirits, who would seize this opportunity, would rush into the arena, and grasp the instrument which would thus be placed in their hands for the purpose, consciously or unconsciously, of widening that breach in the Church which their Lordships must all deplore. He thought it was impossible for any one who attended to the signs of the times to say that this was an imaginary or chimerical danger. For his own part he could not shut his eyes to what was passing around him, or his ears to the language used on public occasions by persons who did not scruple to avow that they looked forward to a disruption between Church and State as a possible contingency; as a calamity indeed, but not as the greatest of calamities, but rather as the least of two evils—the other evil being the failure of their own peculiar schemes for the improvement of the Church. And if there were persons who did not scruple to avow this, he could not but strongly suspect that there were others who viewed such a disruption in a still more favourable light, not as an evil at all, but as a positive good. But this much at least he was sure of, that if, as was very commonly suspected—and he wished it was without sufficient grounds—there were persons who considered the "Euthanasia" of the Church of England to be its final merging in the Church of Rome, and who were desirous of hastening that consummation, the course which he thought such persons would be most likely to take for that object would be to produce, if possible, such a rupture and division within the Church as would eliminate from it those of its members who were most firmly attached to the principles of the Protestant Reformation; because they would readily suppose that as soon as that consummation took place, there would be interposed but a feeble obstacle to that which they looked forward to beyond. "*Divide et impera,*" he believed, was still a Roman maxim, and he was afraid it was fast becoming an English one; and he believed that those who were most eager to promote the division would be the foremost to give in their allegiance to the subsequent dominion. There was one way in which this measure would directly tend to that end, and that was by rendering almost inevitable a fatal division in one great body of the Church, namely, the Episcopate. That evil had been already pointed out in the course of the debate; and to his mind it was an unavoidable consequence of the measure, and one which he thought would defy even the genius and learning of the noble and learned Lord (Lord Brougham) to disentangle from it. He saw, also, great evil and inconvenience in decisions affecting the civil rights of the clergy on account of their adherence to opinions held possibly by a large minority of the bishops of their Church. But he viewed even that inconsistency and inconvenience, great as they were, with less alarm than the possible collisions of the bishops amongst themselves, and the consequent abatement of their authority and influence, both in the Church at large, and in their several dioceses. He did not wish to conceal that in the temporary adhesion which he had given to this measure, he had been chiefly influenced by the authority of the right rev. Prelate who had introduced this Bill, to whom, on account of his eminent station, his long experience, his great ability, and, above all, on account of the uniform moderation with which he had steered, cautiously and judiciously, between opposite extremes of opinion and party, he conceived that such deference was legitimately due. But, after all, he must act on his own convictions, and not on those of another man. Still he did not feel himself bound to divide against a measure from which a majority of his right rev. Brethren anticipated, he believed, much benefit. But it was quite impossible for him, with the convictions and opinions he had expressed, to share with them the responsibility of an experiment which he believed in his conscience, so far from being a remedy for existing evils, was likely greatly to multiply and aggravate the difficulties and dangers of the Church.

Lord REDESDALE regretted the change of opinion avowed by the right rev. Prelate, because it was another instance of that want of courage in the bench of Bishops which had led to so much of our present difficulties. What was wanted now was a clear and well-defined statement of the doctrine of the Church; and yet the right rev. Prelate seemed to think that the Church might be left to go on with its ministers holding every variety of opinion. Such a state of things was impossible. It was impossible, in the present crisis in the Church, that matters could be left to stand as they now were without more serious evils and more undesirable effects being produced. The right rev. Prelate said that the measure was viewed with doubtful satisfaction by both parties—that it was disliked by low Churchmen, and regarded by high Churchmen only as a step to some ulterior purpose. He (Lord Redesdale) wished there was no such thing as party in the Church. It was the duty of their Lordships, at all events, to disregard party, and to legislate for that body of the Church, that large and important body of men, who accepted the Church as the Church, and were willing to be bound by her Articles, her Liturgy, her formularies. The course now pursued was to give a little temporary triumph to the one party or the other, and by that triumph to weaken the Church; for those who were most active in keeping up extreme parties were not the most numerous or the best members of the Church. In petty disputes, perhaps, the right rev. Prelate's prescription of letting things take their chance might do no harm; but when the doctrines of the Church were assailed, her usefulness impeded, and her members discouraged and distressed, that was the time for the prelates of the Church to stand forward and pronounce, fearlessly and boldly, what her doctrines were. At the present moment, no man doubted what those doctrines were. Not even the Committee of the Privy Council imagined for a moment that the doctrines held by Mr. Gorham were in accordance with the teaching of the Church. All that they decided was, that Mr. Gorham did not so clearly dissent from that which was laid down in the Articles, Liturgy, and formularies that he ought not to be allowed to hold a living. He begged their Lordships to consider this point, for it was one which men did not often put to themselves—too great liberty to the clergy was injury to the laity. Supposing he (Lord Redesdale) lived in the parish to which Mr. Gorham was appointed, was it no injury to be placed under such a man as that? Not one of the right rev. Prelates would say that they entertained the same opinions as Mr. Gorham on the doctrine in dispute; and, indeed, could any one say the doctrine could be held without a variance with the Articles, Liturgy, and formularies of the Church? By this decision, he (Lord Redesdale) would be bound for his whole life under the teaching of a man of notoriously unsound doctrine, and would be bound, with his children and dependents, to submit to it. Were not all the laity who desired to give obedience to those doctrines laid down in the Liturgy, Articles, &c., in their pure, literal, and natural sense, without any non-natural interpretations, in that position? Their Lordships ought to protect the laity against injury from all or any extremes. The right rev. Prelate (the Bishop of Worcester) very properly withdrew his licence, the other day, from a curate who entertained opinions of a tendency approaching to Rome, and thus protected the parish from teaching contrary to the Church. The right rev. Prelate at the table (the Bishop of Exeter) was equally right in refusing to admit an individual who held opinions of another tendency, but equally dissonant from the pure and literal meaning of the Church's formularies, &c. He could tell their Lordships that the decision against the Bishop of Exeter was only looked upon with satisfaction by men of extreme parties; and by none so much as by the Roman Catholics and the most violent Dissenters. They viewed it with satisfaction, because they saw that it lowered the Church in the eyes of the world, and enabled them to taunt those who remained in the Church with denying one of the Articles of the Christian faith. Was that a position in which they ought to be placed? And, being in that position, the bishops ought to come forward to their relief. The objections raised against the Bill, which placed such matters in the hands of the bishops, appeared to him to be unworthy of any great consideration. That which had been suggested, on the ground that the court might be nearly equally divided, 13 against 14, or something like that, he did not believe to be possible. It certainly would not have occurred in regard to the question recently decided. Was a possible difference of opinion any argument against the establishment of a court? He could not conceive a court in which such a contingency was less likely to arise. It would be composed of learned men, all conscious of the sacred duty they would have to perform, and they were not likely to have great differences of opinion. He accepted the Bill because it constituted the only Church tribunal there appeared to be any chance of getting at the present moment. He had never exhibited any violence of opinion on questions of this kind. No one had stronger objections to any violent change, and no person was more strongly impressed with the danger of continued agitation; and he should, therefore, have accepted also any alteration in the Bill proposed by the Government in a fair manner, and with a disposition to afford relief to the Church. But when he saw the Government come forward to oppose this measure as a party question, he had very little hopes of anything being done except by the Church bestirring itself in a manner which it had not hitherto done. The necessity for some change had come. Who then could doubt that there was a possibility, nay, that there was a probability, that the next person appointed to a bishopric would be Mr. Gorham. [*A laugh.*] That laugh would seem to say that such a thing was impossible, but by far the greater number of appointments recently made had been made with a view of showing the subserviency of the Church to the State. A bishop, not along ago, was appointed who laboured under the censure of his university for heresy; and if Mr. Gorham was fit to hold a living, he was also fit to hold a bishopric. Every man who reflected upon the condition of the Church must see it could not last, and, with the Government of the day exhibiting such dispositions, he felt bound to avow himself a "reformer" with regard to the present question between Church and State. A large body of earnest men were now rapidly coming to the same conclusion. The relations of Church and State had been materially altered by changes in the latter, and common sense demanded a revision of the subject. He denied that it was any honour or advantage to the Crown, as the Sovereign, with the most awful responsibility upon Her as head of the Church, to have any person forced upon her by the Ministry. The prosperity of the Church was the strength of the monarchy; and, so far from disloyalty being involved in an advocacy of an alteration in the supremacy, he contended that such a course would, on the contrary, strengthen the Crown. He should support the second reading of the Bill.

LORD CAMPBELL said, that if the present were a mere party question, he should not have troubled their Lordships with any observations; but he thought it a great constitutional question, upon which it was his duty to offer his opinions, which he would do very briefly. He could say, with the greatest sincerity, that it would have given him great pleasure if he could have conscientiously supported the second reading of the Bill which the right rev. Prelate had introduced, to whom he gave the fullest credit for the sincerity of his intentions. There was no more sincere friend of the Church than he (Lord Campbell) was. He believed it to be an institution deeply beloved by the great bulk of the people of this country, and that it had conferred, and was likely to confer, the greatest blessings upon the kingdom, and it was with a view to its prosperity that he felt it necessary to condemn the Bill before their Lordships. After a most careful and impartial consideration of its details, it appeared to him to be a most unconstitutional Bill, and one tending to bring about that very disruption of the Church which it was its professed object to prevent. The right rev. Prelate who had introduced it objected to the present constitution of the Judicial Committee of the Privy Council; but it appeared to him (Lord Campbell) that the objections arose from not considering what were the functions of that tribunal. If that Committee had the power to lay down canons for the Church, its constitution would be objectionable; but it was merely a court of construction. Its duty was to explain the meaning of legal documents. He might speak of it with more freedom than other members of it, because, from the nature of the duties which he had now to perform, it was very probable he should never sit as a member of it again. And he had no hesitation in saying that it was better calculated to explain the meaning of the Articles and liturgies of the Church than a court formed from the bench of the right rev. Prelates opposite. He knew it had been said that it was a lay tribunal; but he quite agreed with his noble and learned Friend (Lord Brougham) that it was no more a lay tribunal than the Court of Arches. It was in that respect like the courts of some of the bishops, where laymen were appointed as judges to decide the legal questions sent before them, which the Prelates of the Church would be no more competent to decide than any other class of persons not lawyers. The Prelates to whose sees those courts appertained had appointed laymen to act as their substitutes. Such was the capacity in which his learned friend Sir H. Jenner Fust presided over his court; and in like manner did his learned friend Dr. Lushington preside over his—the one as the representative of the Archbishop of Canterbury, the other as the representative of the Bishop of London. From the constitution of the Church there was an appeal from the Archdeacon to the Bishop, from the Bishop to the Archbishop; and from the Archbishop to the Sovereign. At all times the Sovereign of this country had been considered the head of the Church. The appeal had ever lain from the Archbishop to the Sovereign. It was so in the old Saxon times—it was so in the Constitutions of Clarendon—and so also it had been triumphantly established at the time of the Reformation; and as every Prelate of the Church had his advisers, so the Sovereign had his or her advisers. From these considerations, it appeared to him that offence had been most unnecessarily taken at the Judicial Committee of the Privy Council being a lay tribunal, in contradistinction to the inferior tribunals of the Prelates. But how was it proposed to remedy the complaints? Why, by the substitution of another tribunal, which should be a court purely consisting of Prelates from the two provinces of Canterbury and York. Now, if he thought he would give satisfaction to the Church by supporting the second reading of the Bill, he would do so with pleasure; but he felt that it would be a mere mockery, and that it would be much more respectful to the right rev. Prelates at once to say that it should be read a second time that day six months. The new tribunal, instead of merely advising the Queen, was to bind Her by its decisions. It set forth—"And it shall be binding and conclusive for the purpose of the appeal in which such reference may be issued." So that its decision was to be binding upon the Judicial Committee of the Privy Council; and when they should have reported it to Her Majesty, it was to be binding and conclusive upon Her, and She should have merely to register the decrees of Her bishops. Now it was admitted that the Monarch was the head of the Church of England. Well, but by the Bill before their Lordships, the supremacy would be now vested in the bishops, the Queen having only to record their decisions. The supremacy was no longer in the head of the Church, but in the assembly of bishops who were to dictate to the Sovereign what decree it was necessary to pronounce. For his own part, he greatly preferred the Bill which the right rev. Prelate had introduced at the commencement of the Session. He had said truly that he (Lord Campbell) had been a member of the Select Committee upon a somewhat similar Bill which had been introduced a few Sessions back. But the Court proposed by that Bill was to consist of the three senior bishops, who were merely to be consulted, if necessary. And it was not to be even compulsory upon the Judicial Committee to send a case before that tribunal. It was to be merely optional. It was a permissive power given to the Judicial Committee to ask advice of the bishops.

The Bishop of LONDON: There was to be no Judicial Committee. It was to be done away with.

Lord CAMPBELL begged to differ with the right rev. Prelate as to the construction of the Bill. His Lordship read the clause, and contended that he had put the true construction upon it. The right rev. Prelate now wanted to throw away that tribunal, and to substitute one that he (Lord Campbell) thought would be the Church's ruin. It was to consist of an assemblage of twenty-seven bishops from the provinces of Canterbury and York, with the Bishop of Sodor and Man, but without any provision for the Irish bishops being present or represented. As the right rev. Prelate had said, there could be no court without lawyers, and therefore there were to be lawyers admitted. Counsel were to be heard on both sides; and after having heard them, the twenty-seven members of the court were to consult together, and give their decision. Now, if there were even a provision in the Bill that their judgment should be unanimous, he would agree to the second reading. But it was by the majority that the decision was to be given, and the minority was to be held up to public obloquy, for the names and opinions and votes of all were to be reported. The appointment of such a tribunal would, he thought, be most mischievous. It would lead to agitation, and finally to the disruption of the Church; and for these reasons he should most decidedly oppose it.

The Bishop of LONDON explained the nature of his former Bill.

Lord LYTTELTON said, he felt it his duty as a lay Member of the House, to support the right rev. Prelates on this occasion. He felt, like his noble Friend (Lord Redesdale) that the course of events had so much changed, since the Reformation, the relation as it had then been settled between the Church and the Crown, that some statutory alteration, such as was now proposed, was needed in the letter of that settlement, in order to adhere to its true spirit. It was not accurate to say, that it was intended at the Reformation to give unqualified power to the Crown to judge of doctrine: for, whatever expressions were to be found in the statute of that period on the subject, should be construed in the sense of the preamble of the first and greatest of them, the Statute of Appeals; which declared that the supremacy of the Crown was to be exercised in matters temporal through the temporal power, in matters spiritual through the spiritual power, the spiritualty being one of the distinct estates of the realm. And according to this was the scope of the present Bill; of which the essential principle was, not that the appeal should be to a tribunal composed solely of bishops, but that it should be to a court composed of spiritual and ecclesiastical persons; and therefore that the constitution of the present Judicial Committee was a bad one. This was according both to the ancient law, and to the authoritative expositions of it, such as those of Lord Coke and Blackstone. With regard to the existing controversy, he would only say that he should look to a well-considered statement of doctrine on the part of such a tribunal as this Bill would constitute, as tending to consolidate and unite opposing parties in the Church, and not to widen or confirm their dissensions. The right rev. Prelates, and they alone, had even now the moral right and the moral influence that could make a decision on these subjects satisfactory to the great body of Churchmen; and he supported this Bill as only giving them by law what they already had morally, and according to the ancient law of the Church and constitution of England.

The Earl of CHICHESTER would oppose this Bill not only as an unconstitutional, but as a most impolitic measure. It had been said by a noble Lord opposite, that those who opposed this measure did so from party considerations. For himself, he must say that he opposed it not as a supporter of Her Majesty's Government, though he rejoiced, indeed, that the Government had felt it their duty to oppose any measure of this sort; but he opposed it because he considered, with all the respect that was so eminently due to the right rev. Prelate who had brought it forward, that it was an unwise and a dangerous measure. He had given to this important subject the most attentive consideration, and he had done so as one sincerely attached to the constitution, but still more deeply interested in the welfare of the Church. He believed that our civil and ecclesiastical institutions, as they now existed, afforded a far better security for the truth, and for liberty of conscience, than could reasonably be expected under the provisions of the Bill now under consideration. It had already been so ably shown that this measure was a direct violation of the supremacy of the Crown, that he did not think it necessary to argue that question further; it would be sufficient for him to observe that the Bill introduced a great change into the constitution of the country, and that he saw no sufficient reason to justify them in making that change. His noble Friend who last addressed them had referred to the party feeling now existing in the Church as an argument in favour of this measure. Now, much as he deplored those divisions, it seemed to him that the very existence of them was the strongest possible reason against the measure. The measure would, in his opinion, supersede the appellate jurisdiction of the Judicial Committee of Privy Council, and would have the effect of giving to a portion only of the bishops the power of introducing into the Church new articles of faith. ["No, no!"] Yes, it might have that effect; for if the decision of the bishops was to be binding, their decisions would be as authoritative as the Articles now existing. If they were not to be binding upon future bishops, and upon the Church, such decisions would afford a constant motive to controversy and agitation. He wished to know in the case of a question of heresy being sent from the Court of Privy Council to the new court, what was to be the process; would they send before them the whole case, or only extracts from it? In the former case the bishops might say that there were parts of a man's teaching or opinion which were unsound; but that, taking the whole facts and circumstances into account, he ought to be acquitted. On this supposition, the new court would, in fact, be trying, not a special, but the general issue, and would entirely supersede the Judicial Committee. On the alternative supposition, the new court would be limited to the trial of certain words or extracts from the writings or teaching of the accused, and would have to find whether these were or were not consistent with the teaching of the Church. But this would be most unjust towards the accused, who might thus be convicted of heresy upon a partial and imperfect statement of the case. A man might very probably be convicted in this way by the very same bishops who, if they had heard the whole case, would have acquitted him. He was satisfied that the alteration now proposed would be one of the greatest causes of disunion and discord that had ever happened to the Church. If he were rightly informed, and if he might judge from the language of some of the petitions that had been presented to their Lordships, he thought it was pretty clear that the party urging on this Bill were not likely to be satisfied with it, or with any other alteration in the administration of ecclesiastical law. He believed it was the professed object of that party—he knew it was the open and avowed object of the leaders of the party—by means of this Bill to oust from the Church a number of their brethren whose doctrines they disapproved. He knew it had been said that this Bill might have the effect of driving out of the Church the very party who were supporting it. Now he declared that entirely as he dissented from the views and opinions of that party—much as he deplored their great, and he must admit their growing influence in the Church, he had no wish to drive them out, still less would he consent to their being driven out by a process so unjust as that provided by this Bill. But if the measure was to act, as some hoped it would, against another section of the clergy, he should deprecate it still more strongly, because in that case it would deprive the Church of a body of clergymen whom in his conscience he believed to be amongst the purest in their lives, the most diligent in their duties, and the most faithful in preaching the great doctrines of the gospel. If such was indeed the object of this Bill, he trusted that their Lordships would refuse to sanction so mischievous a measure for so unrighteous a purpose.

Lord STANLEY would not presume to enter at any length into the discussion of the Bill, which he thought had been exhausted by the able and masterly speeches which had been delivered by right rev. Prelates upon the subject; but he could not resist, in a few words, expressing his regret that the noble Marquess should have thought it necessary not only to object to the provisions of the Bill, but on the part of the Government to put his veto upon the introduction of any measure of any description or character purporting or intending to obviate what he himself admitted to be a great existing evil. [The Marquess of Lansdowne: At this moment.] The noble Marquess said, at this moment. That reminded him that the right rev. Prelate (the Bishop of St. David's) who opposed the measure on what seemed to him (Lord Stanley) a very singular mode of argument, said, that up to that evening he had never heard it doubted by a single human being, that this measure was introduced with a special reference to, and in consequence, of the late decision of the Judicial Committee of the Privy Council. Why, the right rev. Prelate had for three years endeavoured to effect an improvement in the law, and it was therefore not in reference to any individual case that the Bill had been introduced. It was notorious that a great and practical evil existed. That great evil was this—that at this moment the Church of England was placed in a position more disadvantageous than any other religious body on the face of the globe. She had in herself no authoritative means of declaring through her recognised organs and teachers and heads, her doctrines when cases of heresy arose, or when doctrines were in dispute. Nothing was more certain than that at the time of the Reformation it was intended to confirm to the Church the fullest power of authoritatively declaring her own doctrines. There might be objections—he knew there were great and grave objections—to renew the convocation of the clergy; and yet nothing could be clearer than that, according to the declaration of the Crown in 1562, it was intended, that "out of our princely care to the Church, and that Churchmen may do the work that is proper unto them, the bishops and clergy from time to time, in convocation, upon their humble desire, shall have licence under the broad seal to deliberate and do all such things as, being mentioned by them and assented to by us, shall concern the settled doctrines and discipline of the Church of England as now established." It was impossible that words could be more clear to show that it was intended that a spiritual body under the authority of the Crown should, from time to time, not introduce new innovations or fresh arguments, but should explain and expound the doctrine and teaching of the Church of England, and that such explanation should be intrusted, not to all, but to spiritual persons only. He would not enter into the question as to the propriety of summoning a convocation. He would rest contented with the admission of the noble Marquess, that the present is not a satisfactory tribunal, and that by changes of legislation the Judicial Committee of the Privy Council might have to decide on matters affecting the doctrine of the Church of England when the majority of them might not be members of the Church. The noble Marquess and the noble Earl had taken a very high tone in speaking of the proposed new tribunal—one of them saying that it was unconstitutional, and the other that it was a violation of the constitution of the country. Now what was this unconstitutional tribunal? The noble Marquess the other day spoke with extreme reverence of the antiquity of the constitution of New South Wales, and of the danger of disturbing that antiquity, which was six or seven years old; and now it was said to be unconstitutional to disturb that tribunal of which the antiquity dated back no further than 1833. But it was said the proposed alteration would interfere with the supremacy of the Crown. Why, the supremacy of the Crown was exercised through the courts of the Crown, and the Crown was bound by the decision of its courts of appeal, regularly and legitimately constituted. And how were these tribunals constituted? Not by any Act of the prerogative, but by the will of Parliament. The Judicial Committee of Privy Council was as much the creation of Parliament as the tribunal now proposed by the right rev. Prelate, the object of which was only to aid and assist in the deliberations of the Judicial Committee. But even if it were intended to substitute the jurisdiction of the tribunal for the Judicial Committee, the change might be advantageous or disadvantageous, but neither in the one case nor the other would it affect the supremacy of the Crown. Now what were the cases intended to be tried by this tribunal? Were they most fit to be tried by laymen or ecclesiastics? The early Reformers thought they came properly under the cognisance of ecclesiastical and spiritual persons. But, said the noble Earl, if you give this power to this tribunal, you are giving the power of establishing new articles of religion. Then the noble Earl must contend that the Judicial Committee of Privy Council had the power of establishing such new articles of religion now, because the utmost that could be said was, that this was an attempt to place this new tribunal, composed of all the bishops and archbishops of the Church, in the same position that the Committee of Privy Council enjoyed now, with the same powers and no more. He should much regret, if either the one tribunal or the other had the power of establishing new articles of faith; but if he were to choose which of the two should have the power to bind the Church, of which he was a humble and unworthy member, he could not hesitate to take the power from a body who might not be members of the Church, and confer it upon those members of the Church who were authoritatively set forth as the spiritual guides and instructors of the Church. With a knowledge of the dangers now threatening the Church, he deeply regretted that the noble Marquess had declined entering into a consideration of the remedy now suggested by the right rev. Prelate. He did not sympathise with those who, when they found the Church of England hampered and fettered by her connexion with the State, were prepared to separate from her communion. He could not conceal from himself the fact, that if their Lordships, by rejecting the second reading of this Bill, should determine to apply no remedy—should declare they would do nothing to remedy the grievance of which Churchmen loudly and justly complained—that they would run the risk of separating from the communion of the Church, so fettered and controlled by the State, a number of its ablest and most devoted members. He belonged to no party in the Church—he was not one of those who advocated extreme opinions—he was not one of those who desired to see points which had been wisely left by our ancestors with a certain latitude, brought forward and dogmatically laid down, and perhaps unnecessarily excluding, on one side or the other, members who might conscientiously hold opinions which are not emphatically condemned by the Church; but he did say this, that it was right that the Church should have the power through its authorised representatives, with the articles and teachings and writings of the fathers of the Church in their hands, to declare that such is now, that such ever has been from the commencement, the doctrine and the teaching of the Church; or, on the other hand, to declare that such and such a question is one upon which many sincere clergymen have entertained different opinions—upon which the Church allows a latitude, and has not declared itself in any formal and authorised manner. It had been said, that the present Bill would tend to multiply dissensions in the Church. Now, he entertained a very different opinion. He did not believe that there was the smallest possibility that upon any question simply arising, "Is this, or has this particular point been the undoubted doctrine and teaching of the Church?"—his respect for the Episcopal bench prevented him from believing that on such a question there could arise such a difference of opinion as that there should be 14 members on one side, and 13 on the other. There might be a difference in this as in many other cases; and he knew of no other way of providing for it except by the authority of the Judges who were called upon to decide. But while he had no apprehension about the supremacy of the Crown, and about the unconstitutional nature of the alteration proposed—nay more, while he had no fear of the exercise of the power which the Bill proposed to vest in the Bishops of the Church of England, yet, in voting for the second reading, he must say that he should see with satisfaction some alteration made in Committee which would not withdraw from the Judicial Committee of the Council the power of passing a sentence, if, in point of fact, that appeared to be an important reservation. He would not constitute the bishops a court for the purpose of passing their sentence; but he thought the Bill would be a great improvement upon the present state of things, and that it was worthy of consideration whether the bishops of the Church of England might not, with regard to all matters of doctrine and teaching, be placed precisely upon the same footing upon which, with regard to matters of law, the Judges of the land are placed when they are called upon to advise their Lordships as the highest tribunal on any matter of doubt. As he would intrust to the Judges the interpretation of the civil law, so he would intrust the bishops of the Church of England with the interpretation of the Articles of the Church of England, and would receive with implicit confidence the judgment and authority of the bishops. It would not be absolutely necessary for the Judicial Committee to follow the advice so tendered. Certainly when the opinions of the Judges were so tendered, their Lordships were guided by them, although there had been some memorable exceptions. There was one in particular in which their Lordships were not guided by the opinions of the majority of the Judges; but in other cases their Lordships were always in the habit of being guided by the opinions of the Judges. [The Marquess of LANSDOWNE: Not always.] As a general rule, their Lordships were in the habit of being guided by the opinions of the Judges, to whom they constitutionally referred; and he was convinced that in 99 cases out of 100, the Judicial Committee would be directed by the opinion of the bishops upon questions of doctrine in precisely the same manner. He certainly should object to refer to the discretion of any party—to the discretion of the Judicial Committee of the Privy Council, or the Minister of the day, that selection of the archbishop or bishops—for the guidance and direction of the whole Church. Of this he was quite sure, that it would be a matter of satisfaction to the great body of Churchmen in this country if they knew that upon any question raised they had an opportunity of obtaining—not the direction of the Judges—not the direction of the Legislature, but for their own guidance as dutiful members and sons of the Church the authoritative declaration of the united heads of the Church in matters affecting doctrine. It was because he saw an evil with which it was necessary to grapple without loss of time that he could not follow the example of one right rev. Prelate, who, because he was desirous of condemning the Bill, declared he would record his vote against the second reading. Here was a Bill brought forward on the authority of a right rev. Prelate, for whom no man entertained a higher respect than he did. He believed the Bill had received the assent of a majority of the Members on the Episcopal Bench, and he knew it was supported by a large body of clergymen of various shades of opinion, and by many of the laity; and seeing no other remedy for the great and grievous evil which existed, he could not consent to vote against the second reading of the Bill, which he would rather accept in its present shape than have no measure at all; but which, when modified in Committee, would answer the reasonable expectations of all who desired a change of the present system.

LORD BROUGHAM explained that he should be as decidedly opposed as his noble Friend to any proposition for giving the Minister of the day a power to select particular bishops to advise the Committee of Privy Council.

The EARL of HARROWBY :* I have to apologise to the House for intruding on their attention at this late hour and on such a subject; but the pain which I feel at finding myself in the unusual position of being compelled to differ from so many of the right rev. Prelates of our Church, and more especially with our respected diocesan, the promoter of the Bill before us, makes me unwilling to pass to a division without explaining the grounds of my opposition. If, indeed, I could feel with my noble Friend behind me (Lord Stanley), that we might safely affirm the principles of the Bill, and attempt to alter any objectionable provisions in the Committee, although the widely different views entertained by him and by the noble and learned Lord (Lord Brougham) of the amendments required, give little encouragement to expect that we should be able to come to a satisfactory settlement in the Committee, I would most willingly consent to such a course; but seeing in this Bill, as I think I do, a principle as new to our legislation as, in my opinion, it would be dangerous in its consequences, I feel myself compelled to oppose it in the present stage. For what is the principle of the Bill? I can see in it no other principle than this, that in the interpretation of the standards, what I may call the statutes, of our Church, we shall consent to be determined solely by the clerical portion of the Church, and out of them by one Order of the Church, the bishops; in the interpretation, my Lords, not the formation of her standards, though even in the formation of these standards other Orders than the Episcopal always took a considerable share, and the laity were called in to give their sanction, before they became the law of our Church.

Now, if it be true, as the venerable Prelate (the Bishop of London) seemed in his closing observations to intimate, rather than to assert that the Episcopal bench have a divine title to assume this authority—that this power of interpretation of doctrines once settled by a Church has been devolved upon the bishops by divine commission, why then, indeed, we have no right to discuss the question; it is one which has been settled by higher authority than any which your Lordships can pretend to—*cadit quæstio*—all discussion is precluded. But as that rev. Prelate only introduced these observations at the close of his speech, and laid little stress upon the point, and adduced no arguments to establish it, I am inclined to think that they were less the expression of his own distinct opinion than an act of deference to the opinions of others; and I conclude that the question is really still open to discussion, and that there is, in fact, no divine title set up to exclude it. For myself, I believe the principle to be perfectly new, at least since the Reformation, and I am satisfied to go no further back. I will not stop to debate the question as to times before that date, or to the practice of other churches. But since the Reformation, the only courts, by which all questions of doctrine in this country have been decided, are the Court of Delegates (until, indeed, the present Judicial Committee of the Privy Council took its place) and the High Commission Court, until it was abolished, as your Lordships all know, in the reign of Charles I.

In neither of these courts was the authority in purely spiritual hands. I have heard it said, indeed, that for seventy years after its first institution, the Court of Delegates was purely spiritual in its composition; that "none but bishops sat in it;" but happily I have been enabled to trace the source of the assertion, and to ascertain its incorrectness. I find it in Dr. Pusey's late volume on the Royal Supremacy (p. 202), resting upon no authority, apparently, but a passage of Gibson, which does not justify it, for Dr. Pusey adds, "A partial, gradual, and as yet unexplained declension took place under the first Stuarts, in which, however, until 1639, 'the name of any civil judge is found only in one commission out of forty.'" "'From thence, *i. e.* from the downfall of bishops and their jurisdiction, which ensued, we may date the present rule of mixtures in that court;'" and he quotes at the bottom of the page as his authority for the words he has given in inverted commas, "Gibson, Codex, Introd., p. xxi." But, oh! the faith of controversialists! My Lords, I look to the passage referred to, and I find, "There are no footsteps of any nobility or common law judges in commission until the year 1604, *i. e.* for seventy years after the erecting of the court, nor from 1604 are they found in above one commission in forty till the year 1639," &c.

Now, why did not the learned controversialist quote the very words? Why did he substitute for them expressions, which might produce an impression, as they have done, different from that of the original, from which he quoted, and why did he build upon them the assertion of the fact, that for the first seventy years after the foundation of the court, spiritual persons only had sat in it as judges? Whereas, canonists, civilians, civil judges, did sit in that court and decide in cases of doctrine during that time. It may be said, to be sure, that these civil judges were canonists, not judges at common law; but his assertion is, that none but bishops sat, which is not the fact; and that they were canonists does not touch the question! They were not the less for that, mere civilians, mere laymen. Canonists have no spiritual character; they may be chosen to decide in such cases from their greater supposed familiarity with questions of the kind than other men, as a matter of expediency; but there is no principle involved in the preference for them over other judges. Their decision is but the decision of laymen after all; and the place which they occupied originally in the Court of Delegates gives no ground, but the contrary, for the claim of spiritual persons, still less of bishops, exclusively to decide in questions of heresy. The pretension was indeed made by the Romanists in the reign of Queen Elizabeth; but Bishop Jewell will teach us in what light it was held by our Reformers. A friend, more conversant in these matters than myself, has kindly furnished me with the following passage on the subject, which, with the permission of your Lordships, I will read, as possibly not a little applicable to the present times. It is from Bishop Jewell's Defence of his celebrated Apology for the English Church:—

> "A king, ye say, may not take upon him to judge or pronounce in matters of religion, be they never so clear, but only must hearken and be ready to execute whatever shall be thought good and commanded by your bishops, as if he were only your bishop's man."

Such, apparently, is the position which it is desired by some that the supreme power of the State shall now occupy; but such has not been the pretension, at any time, that I am aware of, of the English Church. Since the revival of the Court of Delegates on the Restoration, no question is raised but that it has been uniformly a mixed court of lay and spiritual persons, and no discussion is needed upon that point. But, my Lords, how was it with regard to another court, which in the early times after the Reformation, during these favourite seventy years, as well as later, took a still more active part in the decision of heresies than the Court of Delegates—I mean the High Commission Court, of notorious memory; a court specifically empowered to search out and decide upon all heretical opinions, all repugnances "to the articles of religion, or to the confession of the true Christian faith, or to the doctrines of the sacraments, as laid down in the articles?" Was this court, the instrument of Laud himself, exclusively composed of bishops, of ecclesiastics, or even of canonists? No, my Lords, one half of the commissioners were simple laymen, Secretaries of State, Privy Councillors, and common law judges, knights, and esquires; and neither bishops nor ecclesiastics, nor even canonists, had any exclusive possession of these courts of heresy.

I think then, my Lords, I have sufficiently established that the pretension is entirely new. The only question remains, and it is perfectly opened to us, unfettered by authority or precedent, to discuss it, whether it would be expedient to establish for the first time—whether, as it appears to me at least, it would not be most highly mischievous—that the bench of bishops, or any exclusively spiritual body, should decide exclusively and definitively upon the interpretation of the standards of our Church, our Articles, and our Book of Common Prayer. I say, my Lords, on the interpretation of our standards, not on their formation; and we must always recollect that this is the question before us. It is no question of the formation of a creed. That has been done for us long ago. These standards of the doctrine of the English Church were constructed, after due deliberation by all orders of the Church combined, and ultimately received the sanction of the State, as an important portion of the Church. Our business now is simply to interpret, not to construct. Let us take care that, under the guise of interpretation, the work of construction or legislation is not undertaken by inferior authority to that which originally established. It is true, my Lords, as observed by my noble Friend (Lord Stanley), that it is difficult to secure practically the separation of these two functions; it is true that he who interprets is apt in fact to legislate; and in the mind of my noble Friend, if such be the case, it is better that the chance of such indirect legislation should be left with bishops than with judges. The view is natural and plausible: but I cannot come to my noble Friend's conclusion, and I will tell your Lordships why. You cannot altogether escape from some risk upon the subject. But in my mind the risk is infinitely less in the hands of judges than of bishops, and of less serious consequence. The question is, who are the parties most likely to confine themselves to the simple duty of interpretation—men who have been trained all their lives to the duty of separating their own opinions from those of the laws which they interpret, or men who have had no such training? who, on the contrary, have probably identified themselves, or are identified in public opinion, with decided, what may be called professional, opinions upon the subjects at issue? who, in fact, are hardly at liberty in such matters to be mere judges, without the imputation of indifference, on the points which they may themselves consider, and which, at any rate, some portion of the Church in times of controversy will be sure to consider, as important, if not essential, points of faith and doctrine? What has been just passing on a late occasion is pretty good evidence how little liberty would be given to bishops in such cases.

Under such circumstances bishops cannot be mere judges, mere interpreters. The more zealous, the more earnest in upholding what they believe to be the truth, the less are they fitted for such a function; and their opinions would become practically the law of the Church. Under such a system our Church might have been nailed to Calvinism under Whitgift, to semi-popery under Laud, and to I know not what under the latitudinarian tendencies of the early part of the last century. To such a condition I, at least, am not prepared to bring my Church, as long as I can help it.

But it is said, my Lords, that the Judges are not trained to such discussions, that the subjects are new to them, the language strange, and that they are therefore incapable of coming to sound conclusions, and unfitted to decide, in matters of theology. Trust me, my Lords, the heresy which cannot be made patent to five or six able, sagacious, honest men, aided by all the lights which can be thrown upon the subject, by all the knowledge and arguments which can be brought to bear upon it, by the most expert theologians, the most able canonists, is a heresy, if it be one, which you had better leave alone. It may be well fitted for controversialists to discuss; a tribunal to define it may be the basis of a sect: but trust me, no national church, in a free country, can rest upon such a process. It may succeed in a church or in a country where there is no free discussion: in such cases you may crush the human mind into real or apparent acquiescence in a minute and narrow uniformity upon every point; but in a Church like ours, which courts free discussion, and whose Articles happily leave, and were intended to leave, no inconsiderable latitude to private judgment on obscure and controverted points, and in a country like ours, where men are accustomed to the free exercise of thought upon every subject, to expect to be able to rest upon distinctions of doctrine which, by the hypothesis, none but the microscopic eyes of practised professional theologians, of doctors of the Sorbonne, should be able to appreciate themselves, or make plain to such men as constitute the existing tribunal, is most wild and dangerous. Our Church could not rest upon it for a day.

I have said, my Lords, that in my mind, the risk of false decision, in the hands of judges, would be of less serious consequence than in the hands of bishops. A mistaken decision of the present tribunal may be a calamity, if you please, but as it cannot pretend to be a decision of the Church itself, it has little right to distress the conscience of any man. Even a series of such decisions, though it might have grave inconveniences practically, could not pretend to affect the conscience. Every Churchman would point to the Articles, the Liturgy, and the creeds, and say, "These are the standards of my Church, and the misinterpretations of a court cannot affect them. But let there be a decision or course of decisions, of a synod of bishops which should be offensive to the feelings or opinions of a party in the Church, and how much more heavily would such decisions press upon the conscience of individuals differing from the majority of the bishops! How painful and difficult would it be for them to continue in a church if holding doctrines so denounced by a body so constituted and so authorised; and would not the inevitable consequences, in days like these, be the early secession of some considerable party, and the narrowing of the Church's basis to an extent inconsistent with the intentions of her founders, and incompatible with her continued existence as the national Church of England? And do not think, my Lords, that this is any ideal danger—that such a weapon of theological warfare would be allowed to sleep. I have full confidence in the prudence of the Episcopal body, that they themselves would not lightly call it into action; but I have no security and no confidence that it would not be called into action by some one member, and the whole body would be compelled to act, whatever their opinion of the fitness or danger of the occasion might be. Other inconveniences have been already pointed out in the proposed reference of points of doctrine to a synod of bishops assembled upon the occasion—inconveniences which I cannot but think have been treated too lightly. Would it indeed be a light matter, that after solemn discussion on the point of heresy, the minority of bishops, be they many or few, should be branded with heresy, as identified with certain opinions, which they refused to condemn, and that, so branded, they should remain upon the bench, while the peccant presbyter was ousted from his living, and expelled from the Church's pale?

Is there then, my Lords, any consideration which should make you overlook the inconveniences of introducing so new, so dangerous a principle into your Church legislation? Is there any urgency for introducing at once even those changes which the noble Marquess has suggested, and in which your Lordships would probably all acquiesce? I do not say that the existing tribunal might not be amended. The noble Marquess, although he is unwilling to introduce a change at the present moment, acquiesces in the propriety of providing that all the members of that tribunal shall be members of the Established Church; and that the prelates who are members of the Privy Council shall always be called in on such occasions to act as members of the Court. I agree with his suggestions. Not that I have any doubt myself that men who fill the high station of judges in such a court, even if they were not members of the Church, would discharge their duty honestly, and faithfully, and successfully in such a case of interpretation. The Judges who decided, in Lady Hewley's case, on the claims of Dissenters as to the right of preaching in a hundred chapels, were not Dissenters themselves, but were members of the Church of England, and had imposed upon them the duty of comparing catechisms and forms of doctrine with which they had no sympathy; and they have exercised similar functions in fifty other cases, in which religious tenets other than their own have been concerned; and we have never heard them accused of ignorance or partiality. But at the same time, as there is no practical difficulty in the way, it is a fair concession to any apprehension of bias that may exist, and would give additional sanction and authority to their decisions. Nor, as they are reasonable in themselves, do I know that I should have objected to the immediate introduction of such provisions. But, at the same time, I cannot but be sensible to the force of the objections which the noble Marquess stated to that course. I cannot but feel that, introduced at such a moment, it would be difficult that such a modification of a tribunal, immediately consequent on the delivering of an important judgment, should not wear the character of a reflection upon the tribunal itself, and of an expression of dissatisfaction with that judgment; that it should not, in fact, appear to be a protest against it; and nothing could be more disastrous than such an impression. I, at least, should be most unwilling to take any step which should have the slightest tendency in that direction, or throw doubt upon a judgment which, in my mind, in substance (I will not enter into every particularity of language in which it was conveyed) was not only most consonant with the justice of the case, but most important for the Church's welfare.

But, if we come to the further question, whether it is expedient, in spite of the novelty and danger of the principle, to admit it for the sake of retaining certain parties in the Church, who are supposed to be prepared to quit it, if this principle be not admitted, I would implore your Lordships not to be swayed by this inducement. I know, and am grieved to know, that many men, who have no leaning to another Church—men of undoubted attachment to our Protestant faith—have taken up the notion, which has been perseveringly urged upon them by fallacious arguments and imperfect facts, that it is new and unfitting and un-church-like, that questions of interpretation of doctrine should be decided by others than ecclesiastics; though even they may well doubt whether such interpretation should be left to one Order in the Church, subject to varying influences, as that Order must naturally be. But such men will not leave the Church, however your Lordships may decide; the ties which attach them to her pure and apostolical forms of doctrine and discipline are not so slight as to be snapped asunder by your refusal to admit a new principle of administration into her government. They have had, in recent changes in the constitution of the State, and in some circumstances which I will not now enter into, no doubt they have had, reasons for feeling, that on some points the connexion which has hitherto existed between the State and the Church, needs revision. They have had reasons for feeling, that in some points they are not dealt with so kindly or considerately as they were wont to be; and this feeling ought not to be neglected; nor, on proper occasions, my Lords, I am confident, would you neglect it. But such men ought not to leave the Church, and would not, whatever your decision on this occasion may be.

They do not, if I may use the expression, so ride at single anchor in our ports. If, on the other hand, there be men so slightly attached to our Church, so ill-grounded in her principles, so little valuing her privileges, so regardless of consequences of every kind, social and religious, that the adverse decision of a court of law, or the refusal to establish for the first time a new court of doctrine in our Church of a purely spiritual composition, shall induce them to quit her hallowed precincts, be assured, my Lords, that no concession you can make will long retain them; be assured, that though their scruples or their associations may still retain them for a while, their affections are already placed elsewhere. Men, who have always talked of schism, and denounced schism, as the worst, the most fatal, of all crimes, cannot, for so slight a cause, be prepared to encounter so deep a sin. They have always denounced schism even in those who felt themselves called upon to incur the risk of it, when compelled to do something or assert something contrary to their own conscientious convictions. But this would be a schism, because something could not be enforced upon others; because more latitude of interpretation had been given or might be given to a Church's standards than certain men approved, or because their Church's courts were not constituted as they thought right. Was ever in the history of the Church a schism rested on such a ground? What Church could hold together if men were to quit it for such a cause? In vain may the Articles of my Church be sound, her services devotional and scriptural, and nothing required of my own conscience within her pale which I object to; if I cannot reconstruct to my mind, and on a new principle, the Court of Appeal, which is to decide on other men's heresy, I leave her. Is this the language of a devoted Churchman? Can such men be long retained by such concessions?

No, my Lords, if in your judgment there is no reason in itself for admitting the principle of the Bill before you; if you are satisfied that it is new—if you are satisfied that it would be dangerous, do not let your own judgment be overborne by the apprehension of a schism if you act upon your own conclusions. If any secession shall be the consequence, rest assured that it will be of such as no concession could long retain. Consider—consider at proper time, not as the expression of dissatisfaction at a judgment which your Lordships would be most unwilling to revense, but on its own merits, any suggested improvement of a tribunal, which certainly was not specially constituted for its present purpose, and which may well admit of amendment to satisfy scruples and apprehensions. But do not, my Lords—do not, for the first time, admit the principle of leaving the interpretation of your faith in our highest courts to a purely spiritual body. In my conscience I believe our Church could not long survive the process. Her creed and her congregations would become narrower day by day. I must, therefore, resist the second reading of this Bill.

The Bishop of OXFORD said, he had never risen with so much reluctance in that House as on that occasion—a reluctance which was founded not on any doubt as to the vote he was about to give or the side he ought to advocate, nor even the feeling that in the part he took he would be subjected to the imputation (which he confessed he thought amounted to an unbecoming freedom) of party motives or party feeling, or that he was desirous of promoting the separation of Church and State. He was prepared, in a cause that he believed to be the truth, to bear any amount of obloquy. In order to discuss this question fairly and without prejudice, he wished to bring them back to first principles. What, he asked, was the object and the purpose of the Church about which they were to legislate? Was it for the gratification of the feelings of individuals? The noble Marquess had said, that he was the friend of the Church, and spoke of it as if he was not indisposed to give it a little aid. The noble Lord was a member of the Church on one side of the river, and not a member of the Church on the other side. But the noble Marquess had said, he was a great friend of the Church. Now, he would ask that friend of the Church if the Church was founded that men might belong to it or not, as they wished—as if it were a club formed for their convenience, whenever they wished to repair to it. The Church was founded to maintain a certain deposit of truth. For that object it must have the means of declaring what was the truth, whenever the truth was impugned. Then with whom was that power lodged, and by whom was it to be administered? He asked any noble Lord, the most determined opponent of the Bill, who had come down to the House pledged to vote against the Bill without having heard a single argument for or against it—who were the judges of what was the original deposit of truth? Must it be men outside the Church, or men in it? The noble Earl who spoke last said that, so far from ecclesiastics being the best, they were the worst judges, because they knew too much. If this argument were good for anything, why not appoint Jews to be the judges, for they knew nothing whatever about Christianity, although they might have a good knowledge of the English language? The same fallacy ran through the arguments of the noble Marquess. There was a truth revealed that was not to be added to nor diminished till the end of time. In ancient times the laity and the clergy were employed to draw out the creeds and Articles of the Church, and were empowered, should they be impugned, to declare not the new truth, but the old truth. A great philosopher had said that time was the great innovator. The authority was established to prevent the corruption of the great innovator, and that authority must say, "This is new, and therefore, it must be wrong." When the Church had assembled at Nicæa, it met merely to decide the meaning of the single word "Son." The question on which the faith of the Church hinged in the third century was settled by the decision of the officebearers of the Church—men who were trained to the consideration of such subjects, and who bore the commission which the bishops of the present day bore. At the Council of Nicæa, Athanasius vindicated his claim to greatness, not by inventing a new doctrine, but by preventing Arius from doing so. Now he would ask the noble Marquess (the Marquess of Lansdowne) whether he would be content to leave the issue of such a question as that which had been settled at Nicæa to the decision of the Judicial Committee of the Privy Council? The duty of the Church was to declare and define, not to enlarge and develop what had been handed down for the guidance of the faithful. It was for the officebearers of the Church to determine what had been handed down, and it was the duty of the laity to adopt and ratify as truth that which the Church offered for their acceptance as such. The officebearers of the Church have been appointed trustees of the deposit of the truth, and it was not competent for them to shrink from their duty or to cast it aside. For whom were they trustees? Not for themselves, but for others. He did not mean to propound any doctrine so absurd and irrational as that the clergy and dignitaries of the Church constituted the Church itself. He knew that the laity were the heart, marrow, and body of the Church, and that the clergy were only their ministers for Christ's sake; but he knew that they were also the trustees for the deposit of the truth; and he, for one, could never consent to their foregoing the duties incidental te their character. It would not do for a trustee, even in worldly matters, to disown the duties committed to him; and the ministers of the Church of Christ were held by a still heavier responsibility to the exemplary discharge of their more exalted functions. If ever there was a time when the principle of excluding Churchmen from the decision of questions in which the interests of the Church were vitally concerned was fraught with danger, the present was such a time. It could not with any truth be asserted that a pertinacious attachment to dogmas was a peculiar characteristic of the present day. An impatience of all control —an impatience of all fixed external truths, of what description soever, was, he grieved to say, amongst the most peculiar features of our age. If they were now to do away with the Church's office of deciding questions of doctrine, and settling what was the ancient rubric, it would be impossible to exaggerate the disastrous consequences of such a proceeding. If they would deal with a living body as if it had no life in it —if they would deal with the truth as if it were a plastic form of lifeless clay, which they could fashion according to their caprice, and on which they could stamp any impress they pleased, he warned them that they would commit as fatal an error as human folly had ever fallen into. They would find that, in dealing with the Church of Christ, they were dealing with a living model whose lineaments were eternal and unchangeable. He implored of their Lordships to give this Bill a second reading, and to afford an opportunity of trying whether it might not be possible so to arrange its details in Committee as to make it operative of good. He disclaimed the idea of being actuated by extreme party motives; nor did he give any credit to those who represented that this measure was supported only by those who held extreme party views. He did not himself belong to any extreme party; but he would support the Bill because he believed that its principle was sound and righteous, and that its operation would be beneficial for the Church and for the country. One hundred and forty clergymen in one archdeaconry of his own diocese had petitioned in favour of the Bill; and petitions in its favour had also been presented by the Lord Lieutenant of their county, and from 100 to 200 of the most important of the gentry. Long before the recent decision of the Privy Council, the question was one which had excited the deepest interest, and for three or four years it had been the subject of continual discussion amongst the clergy. It was idle to pretend that the Queen's supremacy was injuriously affected by the Bill. No man valued the Queen's supremacy more than he; but he did not believe that it was a correct or constitutional interpretation of that supremacy to say that the occupant of the Throne should settle, in his or her own individual capacity, articles of faith, or any other questions whatsoever. He was sure that the exalted Personage who at present occupied the Throne would be Herself the first to repudiate so unconstitutional a doctrine. The supremacy of the Crown meant nothing more or less than this, that the Crown had the ultimate appeal on all questions ecclesiastical and civil—deciding such questions not as of Herself, but through Her proper constitutional agents. How could it be said to interfere with the supremacy of the Crown to give additional means of information to the Judges appointed under the Crown? How could it be said to encroach on the Royal prerogatives to enact that for the future the law Lords, when called upon to decide in matters of faith and spirituality, should do so with the assistance and cooperation of the dignitaries of the Church? He entreated of their Lordships to reflect on the consequences of refusing to give a second reading to this Bill. By such a refusal they would alienate hearts, without the affections of which the Church of England would be weak and emasculated. They should be warned by what had taken place in Scotland, and take heed how they sowed the seed of a spiritual schism in England. There was persons whom their vote to-night, if it were adverse to the Bill, would dissever from the body of the Church. Let them beware how they did anything that would lead to the establishment of a free episcopal church in this country. Loving the Church of England as he did, and believing her to be God's chiefest blessing amongst blessings unnumbered to this happy land—believing, too, that that Church was the bulwark of the Throne, and the surest safeguard of the liberties of the people, he could not bear to see any measure rudely rejected which tended to her welfare. He solemnly adjured their Lordships by the blessings which they themselves had received from the Church —the undivided Church of this land—that they would break not her noble heart. Let them not say, after having given to every sect greater freedom of action, and more power to settle their own affairs, to the Church of their fathers, that nothing shall be done for her except increasing her burdens, and adding greater weight to her yoke. Let them not say to her what they dare not say to the sister establishment, that she shall not have the power to maintain her own purity of doctrine. If they would accord to the Church of England what they accorded to the Kirk of Scotland, she would be abundantly satisfied; but she did not ask so much. All she asked was to have confirmed to her a power she had long possessed. It had been said that their Lordships by the Bill were asked to upset the customs of centuries; but the noble Lord (Lord Stanley) had shivered to atoms the sophism, and shown that this mighty work had been introduced only two years ago; and the noble Lord who originally proposed it had said that it never was intended to meet cases of the kind. It was an institution of mushroom growth, and yet to hear the speech of the noble Marquess it might have been supposed that Magna Charta was about to be crushed. He trusted their Lordships would not be led away by such representations. The consciences of men, stirred to their lowest depths, hung on the decision of that night. Singular wisdom had been displayed at the time of the Reformation. At that time, the Church, passing from the usurpation of Popery, it might have been expected, not unnaturally, that too great power might have been given to the Crown over things spiritual; but even at that time it was found that, although such periods were like a river overflowing its natural channels, and unable afterwards to regain them, so deep were the channels of ancient church-rule that they were not disturbed, and the power was left undisturbed in her hands, until, to her great dismay, she found it slipped from her grasp and transferred to the Judicial Council. He entreated them not to be led by party feeling or by empty fears to do an unjust action; for, in the speech of every one who opposed the Motion, the fear had peeped out that the establishment of this court would weaken a certain judgment. If it were such an admirable judgment, surely there was no reason for such a fear. Unless there was some secret lurking belief that the judgment might be upset, if we had a good court, there would not have been this uneasiness. He besought them not to be actuated by such a manifestly unjust principle as to refuse a right lest something which was thought inexpedient should come to pass. He entreated them to follow the more generous course of going into Committee on the Bill, and seeing, if it had faults, whether they could be amended. [*Turning to the Ministerial benches, the right rev. Prelate said*]—Do not alienate from you as a party, finally and for ever, the whole body of the English Church! [*Loud cries of* "Oh, oh!" *and expressions of dissatisfaction from the Ministerial side.*] Yes, I dare to admonish you, and I do so again. Do not alienate from you as a party the whole body of the English Church, by showing them that at your hands they must not look even for justice. Deal more liberally and justly with her; listen to her complaints; do not rudely repulse her when she comes to you for redress, and, seeing her value, her purity of doctrine, and teaching more than earthly possessions, hasten to remedy her wrongs.

The MARQUESS of LANSDOWNE, in explanation, said, he had never stated or implied that, in the selection of bishops, if the Bill passed, the Ministers of the Crown would be guided by reference to the individual's peculiar views. What he did say was, that the Bill would incur the danger, by its being notorious that disputed points of doctrine were from time to time to be determined, of public opinion being diverted from the general moral and spiritual qualifications of the party, to the particular opinions he might be supposed to entertain upon one narrow disputed point. He was not aware that he had spoken with more earnestness than usual; but if he had, it was caused by a conviction that the inevitable effect of a series of conflicting decisions on the part of a bench of bishops divided in opinion would be great danger to the Church, which he was as desirous of seeing maintained as the right rev. Prelate himself.

The Earl of CARLISLE was surprised to hear the right rev. Prelate state that his noble Friend the President of the Council had manifested something like fierceness in his opposition to that measure; this was not an attribute of his noble Friend on this or any other question. The Lords Spiritual were a component part of their Lordships' House, and had seats in it which they had derived from a very remote period in the history of the constitution, and they had ever commanded that respect with which they were so warmly regarded in the present day. In objecting, then, to the unprecedented functions which it was proposed to confer upon them by this Bill, he could assure them that it did not arise from any disrespect to them. A noble Lord (Lord Redesdale) had censured the bench of bishops for not having taken an active part in the differences which had arisen in the Church, and for not having taken upon themselves absolutely to decide upon certain points of doctrine; but he (the Earl of Carlisle) was satisfied they deserved the highest merit for the course they had adopted in abstaining from that interference. The noble Lord also stated that the Government, in their mode of dealing with this matter, had done all in their power to make it a party question; but he denied that there was any foundation for such an assertion. The noble Lord also said that he was a man of moderate views; but it required the absolute assurance of the noble Lord to satisfy the House as to that fact. He also stated that Mr. Gorham might be made a bishop, and that this probably would be the case if the Prime Minister entertained certain opinions with regard to baptism. He (the Earl of Carlisle) should have thought that the noble Lord would have objected to the decision of a bench of bishops appointed by such a Minister of the Crown from being regarded as final and conclusive. In not being able to concur in the views of the right rev. Prelates on this matter, he might state that, although they thought it advisable at that period to throw down the subject for public and Parliamentary discussion, it was not impossible that at some future time some modifications might be made which could be adopted. In common with his noble Friend the President of the Council, he would not object, at the proper time, to some Members of the bench of Bishops who were Privy Councillors being members of the court of appeal. On the present occasion he was not prepared to give a second reading to this Bill, or to go into Committee to adopt a variety of propositions which were at variance with each other, and others which were departures from the principle involved in the proposal of the right rev. Prelate. The proposal really was to make an ecclesiastical tribunal whose decision must be final. This was a bold measure, brought forward, as was supposed, to secure the authority of the Church. What would be the effect if a majority of the bench of bishops recommended a certain decision to the Judicial Committee of the Privy Council, which the latter body, from a conscientious feeling, felt bound not to give its assent to? Would not such a result have a most injurious effect on the union and peace of the Church? The question they had to deal with was, whether the proposal of the right rev. Prelate was an improvement on the present appellate court of the Privy Council, and whether it was expedient to adopt such change at the present time without too curious a reference either to precedent, or the 24th Henry VIII. The proposition of the right rev. Prelate was for constituting a tribunal, the decision of which involved a binding and final determination; but at present the decision of the Judicial Committee of the Privy Council, on such questions as would be affected by this Bill, was not final and conclusive, as any subject might be referred back to it again and again, and no step could be taken until the whole matter had been referred to the Queen, and only by the opinion of Her responsible advisers could a decision be sanctioned by Her. He confessed the question touching the Queen's supremacy was not one which he so much cared to dwell upon; but the question was, how it would affect them as Christians and as members of the Church, and how it would affect the supremacy of God's word. It was asked whether questions of mere abstract doctrines might not safely be left to the bench of bishops to decide; but if noble Lords would look to the practical bearing of most of these cases, they would see that they affected the interests, the property, and the livelihood of large numbers of individuals. The right rev. Prelates must excuse him for saying that he believed such questions would be more satisfactorily and impartially considered, and more dispassionately judged, by men who were accustomed to weigh the value of terms, and to decide in accordance with prescription and past practice, infinitely better than the best House of Convocation that could be called together. He might not go far enough to satisfy the right rev. Prelate who spoke last; but he could not help feeling that at all times the best men differed as to the means of ensuring the soul's health, and in this country men were entitled to hold their own opinions on this all-important subject. He objected also to the period at which this measure was brought forward, and when it was proposed to apply it. He should shrink, with those who delivered the judgment in the Privy Council, from the expression of any opinion in the doctrine involved in the case of Gorham, if, indeed, he was a hundred times more competent than he was to give an opinion on a subject which was of too high and mysterious a nature to be dealt with in that dogmatic tone which had been too frequently used on both sides of this question. Hitherto, both in and out of the Church, some of the most excellent men on earth had adopted widely different views of the doctrine in question; they therefore might draw some satisfaction from the judgment of the Committee of the Privy Council. He should have regretted to find that it had been decided in such a way that the holders of either set of opinions would have been virtually declared unworthy of, or incapacitated from, holding preferment in the Church. Such, indeed, must have been the effect of the Committee of the Privy Council giving any opinion on the doctrine; and he should most deeply regret that anything should occur in the House that night which would apparently imply the censure of their Lordships on the Judges who gave the decision in the Privy Council, and on the most rev. Prelates who approved of that judgment. The right rev. Prelate, in the most feeling and able manner, alluded to the present condition of the Church. He alluded to the possibility of some of the greatest ornaments of it withdrawing from its communion. The right rev. Prelate evinced some dissatisfaction at this; but he (the Earl of Carlisle) hoped that he might be permitted to say that, bitterly as he should regret the loss of such men as the pride and ornament of the Church, he could not help feeling that if they were shaken off from it by any decision the House might come to that night, these gems of the Church must sit very loosely upon her garment. If the Church was disposed to remain towards the State and public at large on the footing which it now held; if no symptoms of aggression were manifested on its part; and if no attempts were made to grasp at new powers—it would be placed in a situation of greatly increased usefulness; for not only every year, but almost every week, the land was being covered with new churches and chapels and schools, in which religious instruction was given, but also the great portion of the popular education of the country was under the control of the Church. In the words of the promise which it was her office to promulgate, "in quietness and confidence should be her assurance for ever." But if, on the other hand, she showed any intention to encroach upon the powers or privileges of other bodies of the State—if she assumed preferences not clearly her own—if she sought to acquire pecuniary resources from the national funds, and power not now belonging to her—then, in proportion to the peace which her political quiescence would obtain for her, would be the weakness and the impotence that would come upon her. He had no wish to give a harsh or overstrained judgment against the Bill of the right rev. Prelate. He believed it to be a well-meant though mistaken effort to restore peace, and to compromise conflicting opinions. But he thought it had no chance of success. Even if it were adopted that night by their Lordships, he did not think it had any chance of ultimate success. His right rev. Friend near him had made use of the extraordinary observation that the Government were resisting the demands of the Church. He held in his hand an answer to that observation. It was a protest against the measure by a large body of the clergy of the right rev. Prelate's own diocese. And he believed that a vast body of the clergy throughout the country would have sent forward similar protests, but that they felt assured the measure would not be suffered to pass. By far the most preferable course for their Lordships to pursue would be to prevent the measure from being further discussed—not to adopt a course which should keep it afloat as a subject upon which differences would be kept alive; but to allow it at once respectfully to close its career.

The Bishop of LONDON briefly replied. With reference to the argument that the questions of false doctrine which would be referred to the proposed tribunal, would involve questions of property as well, inasmuch as the parties were mostly holders of benefices, he begged leave to say that if they held benefices, they held them upon the condition of preaching the truth as it was taught in the Church of England—so that that argument was easily disposed of. With regard to another objection that had been urged, that the opinion of the Episcopal Court would be binding in every sense of the term, he assured their Lordships that that was not so. The opinion of the bishops would be binding upon the Judicial Committee, so far as that they would be obliged to report it to Her Majesty; but it would not be binding upon Her Majesty, who might refuse her sanction to it if She thought proper. As to all the other objections to the Bill, including those connected with the question of the Royal supremacy, he had answered them so fully and completely by anticipation, that it would be unnecessary to offer any further remarks upon them. He should, therefore, merely ask their Lordships to give the Bill a second reading.

LORD CAMPBELL maintained that the opinions of the new tribunal would be binding and conclusive upon the Sovereign as well as upon the Judicial Committee. The words of the Act were—"that it shall be binding and conclusive for the purposes of the appeal." [The Bishop of LONDON: Read on.] He assured their Lordships that clause contained no words which left the Queen the slightest discretion to alter the decision. The words in continuation were—"and shall be adopted and acted upon by the said Judicial Committee so far as may be necessary for the decision of the matter under appeal, and shall be specially reported by the said Judicial Committee to Her Majesty in Council, together with their advice to Her Majesty upon such appeal." These words, he maintained, were cumulative, not qualifying.

The DUKE of CAMBRIDGE begged to be allowed to state the course he meant to pursue with regard to the Bill. He acted from conscientious motives only; and, guided by conscientious views, he felt it to be his duty to vote against the Government. He regretted being obliged to come to such a decision, but he should vote according to his conscience. He had attended carefully to the debate from beginning to end, and he had not heard any satisfactory aguments urged against the Bill. Those who knew him knew that he was no bigot. He looked upon the question purely as one of religion, and he felt that he could not conscientiously vote against the Bill.

The House then divided:—Content 51; Not-Content 84: Majority 33.

List of the NOT-CONTENTS.

DUKES.

Bedford
Manchester
Norfolk

MARQUESSES.

Anglesey
Breadalbane
Cholmondeley
Donegal
Headfort
Lansdowne
Westminster.

EARLS.

Bruce
Carlisle
Chichester
Cowper
Denbigh
Effingham
Enniskillen
Fitzhardinge
Fitzwilliam
Galloway
Gosford
Granville
Grey
Harrowby
Ilchester
Leitrim
Lanesborough
Mountcashell
Minto
Morley
Pomfret
Roden
Sheffield
Sefton
Scarborough
Spencer
Strafford
St. Germans
Suffolk
Verulam
Waldegrave
Yarborough.

VISCOUNTS.

Hill
Lismore
Strangford.

BISHOPS.

Durham
Down
Worcester.
Norwich

BARONS.

Alvanley
Ashburton
Bateman
Byron
Clarina
Castlemaine
Camoys
Campbell
Carrington
Colborne
Cremorne
Delamere
Dufferin
Eddisbury
Erskine
Foley
Glenelg
Hatherton
Howden
Keane
Kinnaird
Langdale
Lilford
Middleton
Methuen
Monteagle
Overstone
Poltimore
Rayleigh
Say and Sele
Sudeley
Vivian
Wodehouse
Wrottesley
Wharncliffe.

Paired off.

FOR.	AGAINST.
Earl of Zetland	Earl of Eglintoun
Lord Elphinstone	Duke of Buccleuch
Earl Cornwallis	Earl of Powis
Lord Heytesbury	Lord Douglas
Earl of Roseberry	Marquess of Huntley
Lord Crewe	Earl of Rosse
Lord Londesborough	Marquess of Winchester
Lord De Freyne	Earl of Glengall
Duke of Grafton	Marquess of Ely
Earl of Bessborough	Lord Southampton
Lord Portman	Earl of Cardigan
Viscount Combermere	Lord Dunraven
Earl of Morton	Earl of Kinnoul
Duke of Leinster	Marquess of Westmeath
Earl of Shaftesbury	Viscount Gage
Lord De Mauley	Earl of Desart

FOR.	AGAINST.
Lord Farnham	Lord Wynford
Viscount St. Vincent	Lord Brougham
Earl of Camperdown	Lord De Ros.

On Question, that "now" stand part of the Motion, Resolved in the *Negative.*

Bill to be read 2ª on this day six months.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 3, 1850.

MINUTES.] PUBLIC BILLS.—1° Process and Practice (Ireland) Act Amendment; Turnpike Roads (Ireland); Court of Exchequer (Ireland); Linen, &c. Manufacturers (Ireland).

2° Borough Courts of Record (Ireland); Collection of Fines, &c. (Ireland); Process and Practice (Ireland) Act Amendment.

3° Vestries and Vestry Clerks.

EVICTIONS IN IRELAND.

MR. NAPIER begged to ask the right hon. Secretary for the Home Department whether the Executive Government has directed any proceedings to be taken in reference to the coroner of the county of Armagh, in consequence of the publication of the letter in the *Times* of the 30th of May, to which his name is attached as the writer thereof? [The hon. and learned Member read an extract from the letter, in which the writer referred to the conduct or neglect of the landowners and their agents as extenuating, perhaps, the guilt of assassination.] The district in which the murder of Mr. Mauleverer occurred was peculiarly circumstanced, and stood quite marked out by itself amidst the rest of the barony in which it was situate, and which was generally peaceful and prosperous. In that district, however, ten murders had occurred within the last ten years. The last before that just mentioned was of a Mr. Powell, whose murderers had been tried three times before they could be convicted. The person who had managed the property had done so under the combined character of receiver of the Court of Chancery, and also agent for the proprietor. And (although the coroner's letter ascribed the late murder to the absence of improvements, school-houses, &c.) the late proprietor had attempted to make various improvements, but had always been thwarted by the peasantry; and after erecting school-houses it had been found necessary to occupy them with county constabulary.

SIR G. GREY said, the Government had not taken any steps, in consequence of the letter, against the coroner. The effect of the hon. Member making such a statement as he had sought to do, would, of course, be to provoke counter-statements.

MR. NAPIER: Then he should take an early opportunity of bringing the matter forward.

SIR G. GREY said, that what he had meant to convey was, that the coroner not being a Government officer—although that did not altogether exempt him from proceedings against him—yet he could not be proceeded against in that character.

MR. NAPIER: But he can be proceeded against for public misconduct.

MR. P. SCROPE wished to ask the First Lord of the Treasury whether he had yet taken the opinion of the law officers of the Crown as to the alleged illegality and criminal character, at common law, of wholesale clearances, or depopulation, as now largely carried on in Ireland; and, if not, whether the Government intend to recommend to Parliament any measure for the purpose of checking such practices, which inflict the most fearful sufferings on numbers of Her Majesty's subjects, and appear to provoke the retaliatory perpetration of agrarian crime. Accounts continued to reach this country daily of these dreadful evictions still going on. He wished to ask whether the noble Lord had seen the publication of Mr. Mackay, a barrister of some eminence, proving the illegality and criminality of this system of depopulation?

LORD J. RUSSELL said, he had not perused the pamphlet in question. No case had been laid before the Government on which they could ask the opinion of the law officers of the Crown as to whether these practices had an illegal and criminal character; and without such a case, detailing all the circumstances, it was impossible to place the matter before the law officers. The hon. Gentleman's last question was of so large a character, that he feared it would be impossible to give a satisfactory answer. He conceived that any measure which tended to improve the condition of the people in Ireland would have the effect of checking these evictions; and into the details of such measures he, of course, could not then enter. It was matter of regret that the hon. Gentleman, in placing the notice of his question on the paper, should have added to it the expression of an opinion that these evictions "appear to provoke the retaliatory perpetration of agrarian crime." He very much regretted that there should have been put upon the notices of the House, in the shape of a question, what appeared to be an indirect justification, or at least palliation, of these retaliatory crimes.

Mr. P. SCROPE: I beg to disclaim that imputation; but, if the noble Lord will give me the opportunity, I will prove the fact.

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Colonel THOMPSON presented four petitions from inhabitants of Lambeth in favour of the Metropolitan Interments Bill. On a point important to the right of petition, he begged to state that, finding the four petitions word for word the same, and with only about seventy signatures to each, he had been struck with the appearance of a collusive attempt to swell the number of petitions; but on inquiry he found the petitioners had acted under the impression that by a new rule of the House it was prohibited to paste one sheet of paper to another in a petition. He had seen a petition understood to contain a million and a half of signatures, and such a rule would imply dividing it into 20,000 petitions, with each a repetition of the substance. Believing this to be unfounded, he would, if no contradiction was given from the chair, communicate the same to the petitioners and the public.

Mr. LACY rose, pursuant to notice, to move that the Bill be referred to a Select Committee. This office, he said, devolved upon him, as he had proposed a general scheme of sepulture throughout the country before the Government measure was brought in; but he was not desirous of poaching over what might be considered the ground of the metropolitan members. He thought the Bill was so impracticable, so unjust on many parties, that it involved so large a waste of money (no less than 700,000*l.* would be paid up in seventeen years, and then more money would be wanted), and that in so apathetic a House the Bill could not possibly pass through Committee, that he proposed as the best course the reference of the measure to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord D. STUART, in seconding the Motion, said this was one of the most important Bills that had come before the House for a long time. It affected the health and pockets of all the inhabitants of the metropolis. Some such measure had been long and loudly demanded; and the Government were now compelled to turn their attention to the matter. He was not opposed to the principle of the Bill. He thought interment in large towns might properly be regulated by law, for the sake of the health of the inhabitants; and on this ground he had not opposed the second reading of the Bill. But its details violated many principles to which he was attached in a most unconstitutional way. Centralisation, now too much in fashion, and which threatened to overturn many of our institutions, would be increased and extended by the Bill before the House. It looked as though the whole business of the country would soon be transacted by boards and commissions. Government had taken advantage of the public demand for legislation on this subject to introduce a Bill which would place a vast amount of patronage in their hands. There was to be at least one paid commissioner. The object in view might have been accomplished just as well without violating the constitutional principles of self-government and liberty. The board to be appointed by the Government would have great and unusual powers. They would be authorised to appoint a whole army of officers, from commissioners down to sextons and gravediggers, who would all be in the pay of the Government. The board would also have power to shut up cemeteries in the town, or to allow them to continue open as they thought proper. They were also to appoint places of sepulture out of town, and to decide on the price to be paid for the ground; to give orders as to the conduct of interments; and to regulate the amount of fees to be taken. This latter provision was most objectionable. A Bill containing such clauses ought to be looked at with the utmost jealousy. Parochial management was entirely done away with, and all authority given to these paid officials. Why not have allowed the metropolitan parishes, either separately or in union, to have regulated these matters?

But it would be said that the parish boards should not be entrusted with these matters, because such boards did not prevent jobs. But did Government boards always conduct their business without jobs and unnecessary expenditure? Why, there was the Woods and Forests. How had that board conducted its affairs? Was it not proverbial for all kinds of waste and mismanagement? Had the Poor Law Board given so much satisfaction to the country that they should be anxious to entrust the management of their affairs to Government boards? There was the Sewers' Commission also, which had not given much satisfaction. Government boards, then, were as liable to mismanagement and to excessive expenditure as any other boards. But there was another objection to the measure, namely, that it interfered with trade. It was not the business of Government to regulate trade. It should be regulated on the usual principles of political economy, namely, by those of demand and supply. Whenever interference was allowed, it was justified on the principle of an overwhelming necessity. None such had been alleged in the present instance; and if any existed, the *onus probandi* lay with the Government. It was said that undertakers were extortionate. Even if some of them were so, that was no reason why Government should interfere with the whole trade. There were some tailors in this metropolis who charged extravagant prices for coats, and some butchers charged high prices for meat. On the same plea, therefore, they might fix the price of coats and butchers' meat. By this Bill they were going to pay the church incumbents out of the rates of the parishes. That was in the nature of a church rate, and was objectionable. It was also proposed to pay the chaplains of the new cemeteries. Under these circumstances, he thought it best that the Bill should be referred to a Select Committee. The Government had delayed the Bill to a very late period of the Session without any necessity, and they now refused sufficient time to the public to consider its provisions. In the first instance they procrastinated the Bill, and when the year was far advanced, they precipitated it through the House without allowing time to those who were affected by it to give it due consideration. A new Bill had been laid on the table the other evening, containing nine new clauses, which they had not time to consider or even to comprehend, for some of them were of a most complicated and minute nature. He hoped that the right hon. Gentleman would explain the meaning of these clauses. How was the system of tenders for funerals to be carried out? Was it to be done by means of advertisement? He was afraid this part of the Bill would lead to favouritism. Then, were the contractors to have no discretion as to whom they would have for customers? Were they to be compelled to carry out contracts for those whom they believed to be insolvent? By Clauses 30, 31 and 32, compensation was to be given to incumbents, and as he understood the clauses, it was to be given two or three times over. There was a great deal of what was objectionable in these clauses which he hoped the right hon. Gentleman would explain.

Sir G. GREY said, there were two questions now before the House. One was that the Speaker leave the chair for the House to go into Committee of the whole House, to consider the clauses of this Bill in detail; and the other was an Amendment that the Bill be referred to a Select Committee. Now he could not help thinking that the House ought at once to adopt one of these courses, instead of allowing itself to be led, with the Speaker in the chair, into an irregular discussion that could not be carried on satisfactorily until the clauses in detail were under consideration. He felt it his duty to oppose the proposition for referring the Bill to a Select Committee, because the measure had been fully considered and canvassed in the metropolis, and he believed its provisions were fully understood. The House would be able, in a Committee of the whole House, to consider the clauses one by one in their regular order. But the noble Lord asked for an explanation of some of the clauses before being asked to agree to them. That was a perfectly reasonable request; and when the Committee came to the particular clauses in rotation, he (Sir G. Grey) would be prepared to give any explanation of their purport or effect that might be required. Delay in bringing the Bill forward had been also complained of. Now, it would have been defeating the object of the measure, if, before they were in possession of the valuable report of the Board of Health, the Government had precipitately laid on the table of the House a Bill framed irrespective of the recommendations of that report. After the Bill was read a second time, he had felt it his duty to receive the suggestions of parties who had waited upon, and who were officially connected with, the metropolitan parishes; and he believed he had now succeeded in removing the objections they had entertained to the details of the Bill. The noble Lord objected to the large powers to be given to the Board of Health; but if that objection was to be considered, it ought to be considered in Committee of the whole House, and not in a Committee upstairs; because the decision of a Committee upstairs would have to be reconsidered in that House, and reconsidered at so late a period of the Session that if the Bill were sent to a Select Committee it would be practically throwing it over to another Session. He was not prepared to adopt that course, and therefore he hoped the House would at once go into a Committee of the whole House.

MR. LUSHINGTON would support the Motion of the hon. Member for Bodmin. The principle of the measure was never discussed. Any discussion that took place occurred when the Bill was in Committee *pro formâ*, and when the right hon. Gentleman was chairman, and some Mrs. Harris, for he believed no one else, had been present. More time should be allowed for proper and careful consideration. He protested against that clause in the Bill which made a distinction between Christians after they were dead. He protested against an unchristian clause by which dissensions and theological differences were carried to the burial ground.

MR. B. OSBORNE thought the principle of the Bill laudable, and one well to be commended; for no one could read the report of the Sanitary Commission without seeing that the comfort, the well-being, the morals, and—what was of greater importance—the health of the population, was at stake. There were two points involved in it—the health, and, what was of greater importance, the morals of the people. [*A laugh.*] Yes, the morals of the people were at stake, and the smiles of hon. Gentlemen when he used the expression only showed how little attention they had given to the subject. They were not aware how long corpses were kept in the houses of the poor, and they had not read the evidence, or they would fully agree with him that the morals of the people were at stake. The hon. Member for Bodmin had moved that the Bill be referred to a Select Committee. Now, if he thought the effect of that Motion would be so to impede the present Bill that they could not have a better one before the end of the Session, he would not vote for it; but as he thought they had a chance, and a good one, of bringing in a better measure, he would give it his humble support, the more especially as the effect of the present Bill would be to upset the whole of the parochial arrangements of the country, and because it proposed to place an enormous power in the hands of the Commissioners, a power of taxing the people to a very large extent. Although it was only a penny rate, he understood it would amount to some 30,000*l*. It would confer enormous taxing powers, and he could not agree to allow it to go to the Board of Health. If, instead of bringing in a Bill encumbered with 73 clauses, many of which were highly objectionable, the Government had chosen to introduce a measure simply prohibiting interments in all large towns, and not in the city of London alone, a course infinitely wiser and more likely to succeed would have been pursued. As it was, however, he gave the Government credit for the principle of the Bill; but he must say there was one man who had been treated infamously in connexion with this Bill—a man who had made this subject his business for fifteen years of his life, and had devoted a great portion of his property in promoting it—and what had been his fate? He alluded to Mr. Walker, the individual who had instigated all the Committees of that House which had taken up the subject; but Mr. Chadwick, in the late report of the Board of Health, gave the whole of the credit to the Sanitary Commission; whilst Mr. Walker, the original pioneer of this reform, was thrown overboard. Why, if they were to have a Commission under this Bill, Mr. Walker's name ought to be at the head of it. And what was Mr. Walker's opinion of this Bill? Why, desirous as he was of legislation on this subject, he thought this measure would do more to impede the progress of sanitary reform by its objectionable clauses, than if they brought in no Bill at all.

SIR DE L. EVANS said, that he would support the Motion of the hon. Member for Bodmin, on the ground that sufficient time was not allowed for the consideration of the measure. All they asked was a few days' delay, and it was but just to the inhabitants of this great metropolis that this delay should be granted. With regard to the inhabitants of the city of Westminster, it was only that day that an important general meeting of the inhabitants of St. James's parish had been held, and what their opinion was with regard to the measure he had not time to be informed. For these reasons, he hoped the Government would consent to postpone the Bill.

Sir B. HALL said, the metropolitan Members had been told by the right hon. Gentleman the Secretary of State for the Home Department, that if they voted for the Bill going before a Select Committee, they would perhaps throw over the Bill for the Session, and thus postpone for another year the great principle they were all so desirous to carry out; but would that be the fault of the metropolitan Members? The Bill was mentioned in the Speech from the Throne, was brought in on the 15th of April, and read a second time on the 22nd of April, and now it was proposed to go into Committee on the 3rd of June. Were any of the Members of that House to blame for the delay which had thus taken place? He would tell the noble Lord at the head of the Government why the Bill was not referred to a Select Committee. It was because it would have been necessary to place on the Committee a great number of the metropolitan Members, and there were not two out of the sixteen who sat for the metropolis who would have agreed to a measure of this kind. It was a measure that went, in fact, to abolish the whole of the local self-government that now distinguished the metropolitan parishes, so far as burial places were concerned. There were two persons in the metropolis of whom the inhabitants entertained great suspicions, and these were the Bishop of London, as regarded ecclesiastical matters, and Mr. Chadwick, as regarded sanitary measures. Through the one they were in danger of having fixed upon them fees in perpetuity to pay the clergy; and the other was establishing a board, of which he was the prime mover, and of which perhaps he would hereafter be the head. He would not now go into the details of the Bill. It was his intention to support the proposal for sending it before a Select Committee, and when the time came for considering the details, he hoped that both as regarded the payment of fees in perpetuity, and the board, they would be rejected by a majority of that House.

Mr. MASTERMAN regretted that he felt himself compelled to oppose the right hon. Baronet the Home Secretary, but as his belief was the Bill would be better considered by a Select Committee than by a Committee of the whole House, he had made up his mind to vote for the Motion of the hon. Member for Bodmin.

Mr. T. DUNCOMBE said, he was sorry to say that he had only a feeble voice to raise in opposition to this measure. He could not find a provision in the Bill which deserved the support of the House, with the single exception of the provision that the dead should no longer be buried among the living. The right hon. Gentleman the Secretary for the Home Department thought he might save time by not referring the Bill to a Select Committee; but he (Mr. Duncombe) felt persuaded that the right hon. Gentleman would save time by so doing. He believed that the recommendations of a Select Committee which should have been impartially chosen, and which should have carefully considered the subject, would be respectfully received on all sides of the House; and after such recommendations should have been submitted to them, he, for one, should not oppose any Motion for their immediately proceeding to legislate in the matter. He understood that hon. Gentlemen had the other night attached great importance to petitions presented on the subject of Sunday labour in the Post Office, and that, in consequence of those petitions, the House had decided on addressing the Crown for a cessation of such labour. Now, he would venture to say that of all the impositions ever practised on that House, those petitions were the greatest. He believed that the great majority of the people of this country were opposed to that address. But how stood the facts in the present instance? If petitions were to sway the votes of hon. Members, they certainly ought not to adopt that measure. Then, again, where, he would ask, was the metropolitan Member who had stood up and said that he was for "the Bill, the whole Bill, and nothing but the Bill?" Why, there was not one; and he certainly should be surprised to hear anything so contrary to the opinion of the people of the metropolis. The noble Lord at the head of the Government was, he supposed, an exception in favour of the Bill; but the Corporation of London, or, at all events, the Court of Common Council, were opposed to the measure, and that court had lately passed a resolution praying that the City might be exempt from the operation of the Bill. He would tell the country Gentlemen that, if that measure were to pass into law, one of a similar character would soon be extended to the rest of the kingdom. He thought it was a most reasonable proposal that the subject should then be referred to a Select Committee. He believed that such a Committee would soon be able to frame a far better measure, containing only from ten to twenty clauses. All that the public required was, that the dead should no longer be buried among the living. But the Bill, as it then stood, would not effectually carry out even that principle, while it abounded in details of a most preposterous character. It was a Bill of plunder, sacrilege, injustice, and wrong. He could describe it in no other terms. When the Government refused to refer the question to a Select Committee, the House might depend upon it that some jobbing and unjustifiable transaction must be involved in the measure. He might not be able to oppose the measure in its future stages; but he was sure that other metropolitan Members would oppose it, and, in so doing, he believed they would be fairly representing the feelings of the great majority of their constituents.

MR. D'EYNCOURT regretted that Government should oppose the Bill going before a Select Committee. He highly approved the object of the Bill, but disapproved the mode in which it was proposed to carry it out. He thought parishes should take the duty laid down in the Bill upon themselves; it would be more in accordance with the spirit of our institutions, and opposed to the centralising course so much pursued by the Government. The Amendments in the Bill having only been made known on Friday, he had not yet had an opportunity of learning the opinions of his constitutents regarding them.

LORD J. RUSSELL rejoiced to see his hon. Friend the Member for Finsbury again in his place, though he certainly found himself under the necessity of not concurring with his hon. Friend in the conclusions to which he had come on the present occasion. The question before them really was, whether it was desirable, to refer the Bill for preventing intramural interments to a Select Committee. His hon. Friend said that if they did so they would have before them a number of witnesses, all of whom would have plans to propose, and suggestions to make, and objections to urge, and that after all those plans, and suggestions, and objections had been made, they would have to be fully considered by the Committee. If so, then they might consider themselves fortunate if some time at the end of July that Committee should make a report. The more likely result, however, would be that the Committee would report that they had found it impossible to come to a decision, but that they hoped they would be allowed to sit again next Session. Then with respect to the Bill, he would not enter into its defence, for he had not heard one reason urged why the House was not able to give its consideration to the clauses of the Bill as well as a Select Committee. If the House found that the Board of Health had by some clauses more powers than were absolutely necessary to carry into effect what all considered necessary, let those clauses be altered, or removed from the Bill. If, on the contrary, it was found that those clauses were necessary, they could be passed either without any alteration, or with such alteration as might be required. His right hon. Friend the Home Secretary had proposed some new clauses; but he thought it hard that, because they had listened to deputations and adopted recommendations which they had made, the House should, on that account, be asked not to go into Committee, on the Bill.

MR. ALDERMAN SIDNEY said, the corporation of London felt grateful to the Government for undertaking the question of sanitary reform as regarded the principle of the measure; but if asked whether they would prefer to undergo the evils of the existing system, or to accept the measure then before the House, he doubted not they would prefer the chances and risks of the existing system. The corporation of London had got the credit of being able to manage their own affairs, and of knowing as well what belonged to their condition as any other number of gentlemen no matter whether they sat in Gwydyr House, or in the Treasury Chambers. Why should Government thrust upon them a measure calculated to take from them the control of their own affairs? He hoped from the opposition raised to the Bill the Government would see the hopelessness of endeavouring to press it. He was in favour of referring the measure to a Select Committee, because he believed it would have the effect of removing much opposition that at present existed. He besought the House not to treat the measure as an unimportant one; and, as it had been introduced for the good of the public, to at least show some little regard for the wishes of that public by complying with the request of its representatives.

Sir R. PEEL thought the argument of the hon. Alderman was one which rather showed the impolicy than otherwise of sending the Bill to a Select Committee. The question of centralisation was no doubt a very important one. There were certain duties exercised by the parochial authorities in the city of London which it was proposed by the Bill should be taken into the hands of Government; but surely that was a question so important that it ought to be decided by the whole House. He had every respect for the corporation of the city of London; but at the same time there were points of local management on which some persons ventured to take a different opinion from them. Take, for example, the question of the removal of Smithfield-market. Speaking generally, the corporation of the city of London must be presumed best qualified to judge of local affairs; yet that was a point on which many persons ventured to take a different opinion from them. The Bill before the House had been read a second time, and the question now was, whether they should go into Committee, or send it before a Select Committee upstairs. If the Bill was sent to a Select Committee, everybody must admit that it would be one of the most extraordinary cases of extramural interment ever heard of; and therefore he thought it would better to dispose of it rather within than without the walls of that House.

Mr. HUME had intended to vote for the Motion that the House go into Committee, and took great blame to himself that he had not, up to that moment, looked more narrowly into its clauses. Had he examined it, he would never have allowed the Bill to be read a second time without recording his vote against it. He had long since recommended extramural interments, and was the first to move for a return of the number of burials in metropolitan churchyards; but to a measure so arbitrary and so unconstitutional he would never assent. Was that House prepared to appoint three honourable Members—the noble Lord and two others—and to delegate to that Board perpetual powers? ["No, no!"] But he said, yes. And what were they to do? They were to provide burial ground for 50,000 to 60,000 interments annually, and they might purchase ground wherever they pleased, and they were to invest the money without check or control, except from the Treasury; nay, more, they were to have the appointment of the clergy who were to officiate in the cemeteries, and the power of levying such fees as they might think fit; they were, in a word, to have almost uncontrolled patronage and power. He thought it would be much wiser to enact that, if the parishioners did not themselves take measures for promoting the sanitary objects which the Bill had in view, the board would then interfere. One of his main reasons for objecting to the measure was, that it would take out of the hands of Englishmen that principle of self-government which was one of the main causes of their freedom. Other nations no sooner obtained liberty than they abused it; but Englishmen, from the experience which the management of their local affairs afforded them, were taught to appreciate it. This power of self-taxation and local management was now about to be wrested from them and conferred upon a board who could have no local knowledge, and who would act arbitrarily and irresponsibly. If this Bill were passed, the next step probably would be to extend its provisions to Ireland and Scotland.

Lord R. GROSVENOR said, the hon. Member for Finsbury had asked whether any metropolitan Member would support the whole Bill, and nothing but the Bill. He was not a metropolitan Member, but he was something like it, and he would say he was not prepared to support the whole Bill, but he would vote against the Motion of the hon. Member for Bodmin. There had been a number of petitions in favour the Bill. Several deputations had waited on the Secretary of State for the Home Department respecting it, and he did not know that any persons had directly condemned the principle of the Bill. He could not consent to send this Bill to a Select Committee, for he felt that it materially affected the working classes. He certainly could not consent to devote the Bill to that species of extramural interment which the hon. Gentleman proposed, and which had been so well remarked upon by the right hon. Baronet the Member for Tamworth.

Mr. WAKLEY said, he attended there with his hon. Colleague that evening, much to their own injury, at the request of their constituents, who considered many of the provisions of the Bill most obnoxious, to oppose this measure. They believed it contained enactments the most arbitrary and unconstitutional, and that it involved a principle which that House, in modern times and enlightened constituencies, had always repudiated. No one could say that any large portion of the metropolis was in favour of it, and almost every Member for London had spoken against it. The noble Lord at the head of the Government had not attempted to justify a single one of its details, but confined himself to the question of general propriety and policy of legislation on the subject, which was not denied. He thought the Government ought to consent to the reasonable proposal of the hon. Member for Bodmin, and refer the Bill to a Select Committee. The Board of Health, which had been alluded to, had discharged its duties—duties of the most onerous and important nature—in a manner highly creditable and praiseworthy. The metropolitan parishes wished it to be understood that they did not desire to prevent a supervision on the part of the Board of Health; but what they asked was, and their wish was most reasonable, that a measure which interfered so much with their most important rights and privileges should not be hastily forced upon them, but should be calmly, fairly, and fully considered, and only sanctioned when the House had thoroughly sifted and examined its provisions—that would be best done in a Select Committee, and therefore he would support the amendment that it be so referred.

Sir W. CLAY thought no reason had been given for additional inquiry before a Select Committee. On the contrary, the discussion proved plainly that the question was one better suited to that House than to a Select Committee.

Mr. WYLD said, that the metropolis did not object to the extramural system. However, out of the two millions of population, he ventured to say that 800,000 adults were opposed to the measure. He was in favour of a Select Committee. The question was, whether the Board of Health or the citizens should have the management of their own affairs. He should conclude by moving that the House do then adjourn.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. BRIGHT did not intend to say a word on the question before the House, but he should protest against the mode in which matters, important matters, of that kind were treated by the House. The other evening, when the question of the Post Office was discussed, the Members who took part early in the debate were attempted to be hooted down by some hon. Gentlemen who preferred at the time going to dinner. On a matter of such importance as was then before them, he rose to call attention to the fact that in that part of the House—[*pointing to the seats about the Bar*]—there were assembled many followers of the Government who were prepared to vote for the measure whether right or wrong, good or bad. They were there assembled, standing and sitting, and creating a great outcry and uproar, with a view to stifle the question before the House, namely, whether they should refer the measure to a Select Committee or not. He had not risen for the purpose of expressing an opinion upon this matter except that he should vote for the Motion of the hon. Member opposite; but he protested against a system which very frequently rendered it quite impossible at this hour of the evening to discuss matters of great moment, and he said that the noble Lord at the head of the Government, or those who were under him, ought to keep their subordinate Members of the Government in order.

Mr. B. OSBORNE would ask his hon. Friend the Member for Bodmin to withdraw his Motion for an adjournment; believing, as he did, that if they were now to divide on the main question they would get a majority.

Mr. FITZROY thought the hon. Member for Bodmin had to thank himself for the interruption he had experienced, by not having confined himself to the question before the House.

Sir De L. EVANS considered the rebuke of the hon. Gentleman to have been perfectly undeserved. He hoped for the sake of the respectability and decency of their proceedings, that his hon. Friend would persist in his Motion for an adjournment of the debate,

Mr. WYLD said, that he would bow with the utmost deference to any rebuke that might proceed from the Speaker, but protested against the language used towards him by the hon. Member for Lewes.

Lord D. STUART advised his hon. Friend not to withdraw his Motion for adjournment. If the House was not in a temper to listen to the discussion, it was better to adjourn the discussion till another day, when hon. Gentlemen might be prepared to listen with patience and deliberation. He really thought it not decent that this Bill, which was so important to the interests of the inhabitants of the metropolis, should be discussed in this manner. And he must say to hon. Gentlemen who displayed such impatience that, though this Bill did not affect them, if it passed, another Bill would soon be brought in in which their constituents would be interested, and then they would look at it in a different light.

Lord J. RUSSELL did not think the remedy prescribed by the hon. Member for Manchester for preventing the noise arising from conversation in the House would be effectual. There might be one or two Members belonging to the Government sitting at the bottom of the House who might have joined in the expression of the general impatience, but he (Lord J. Russell) believed that if those hon. Members had been entirely silent and completely dumb the impatience of the House would have been manifested to almost quite as great a degree. He had not perceived that there had been on this Bill any extraordinary impatience evinced, or what was more than usual when a division was expected at that particular hour of the evening. It was not for him to say what the reason could be. But when a division was expected, whatever might be the question, between half-past seven and eight o'clock, there certainly was a sort of impatience shown by hon. Members which was not usual at any other period of the evening. After this explanation he hoped the hon. Gentleman the Member for Bodmin would go on with his speech. When the question under discussion was concerning the interment of the dead of the metropolis, it would not be creditable at that hour of the evening to adjourn the debate.

Sir B. HALL said, during the twenty years he had sat in that House, he had hardly ever seen more impatience than had been manifested on this Bill. It was his anxious desire to have expressed himself more fully on the subject, but in deference to the feeling of the House he refrained. But if they were come to this, that matters of this description were not to be freely considered and discussed, and that though they did not bring forward any extraneous matter they were not to be listened to, he thought they had better declare at once, when matters of this sort were to be brought forward, that they would adjourn till after dinner.

Mr. WYLD said, he had moved the adjournment of the debate, because he thought he was entitled to be heard, and for this reason that there was no debate on the second reading of the Bill, and the right hon. Secretary for the Home Department distinctly pledged himself that there should be a discussion on the Motion for going into Committee. The principle of this Bill was government by a commission. Now governments by commissions were inimical to our constitution, and had entirely failed. As a proof he would point to the City Commission for Sewers. In 1849 that commission expended 50,309*l.*, and the expenses of management were 22,400*l.*, and their liabilities at this moment were more than 100,000*l.* He hoped, if this Bill were referred to a Select Committee, to be able to show that the object of this Bill might be carried out by the local authorities of the metropolis. He would withdraw his Motion for the adjournment of the debate.

Motion, by leave, withdrawn.

Question put.

The House divided:—Ayes 159; Noes 57: Majority 102.

List of the Noes.

Best, J.
Blair, S.
Bright, J.
Brocklehurst, J.
Cabbell, B. B.
Chatterton, Col.
Cochrane, A. D. R. W. B.
Cubitt, W.
D'Eyncourt, rt. hon. C. T.
Dodd, G.
Duncan, G.
Duncombe, T.
Duncuft, J.
Ellis, J.
Evans, Sir D. L.
Ewart, W.
Farnham, E. B.
Forbes, W.
Fox, W. J.
Gibson, rt. hon. T. M.
Greene, J.
Gwyn, H.
Hall, Sir B.
Harris, R.
Hastie, A.
Henry, A.
Hume, J.
Humphery, Ald.
Keating, R.
Kershaw, J.
Lennard, T. B.
Lockhart, A. E.
Lushington, C.
Macnaghten, Sir E.
M'Taggart, Sir J.
Meagher, T.
Masterman, J.
Mowatt, F.
Mullings, J. R.
Muntz, G. F.
Newdegate, C. N
O'Connor, F.
O'Flaherty, A.
Osborne, R.
Pechell, Sir G. B.
Pilkington, J.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Sidney, Ald.
Stanford, J. F.
Verner, Sir. W.
Vyvyan, Sir R. R.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Wyld, J.

TELLERS.

Lacy, H. C.
Stuart, Lord D.

Main Question put, and agreed to.

House in Committee; Mr. Bernal in the chair.

Clause 1 agreed to.

On Clause 2,

Mr. T. DUNCOMBE wished to draw the attention of the Committee to the unfair position in which he was placed as regarded some amendments of which he had given notice three days before the right hon. Gentleman the Home Secretary had given notice of his intention of committing the Bill *pro formâ.* The amendments to which he alluded were important, inasmuch as they were for the purpose of doing away with the board, which he denounced as a job and nuisance—a board attended with its usual accompaniments of clerks, treasurers, secretaries, chaplains, and God knew what; the salaries of whom were all to be chargeable on the ratepayers. Now, the right hon. Gentleman having given notice of his intention of committing the Bill *pro formâ*, he (Mr. Duncombe) was informed that there would be no necessity for printing his amendments, for, as alterations would have to be made in the Bill when printed, his amendments must necessarily meet those alterations. The new Bill was only reprinted on Friday last, and he was then told that it was impossible to have his amendments printed in time. They would therefore be brought forward under a disadvantage, entailing much loss of time. The Government had told them they had plenty of time to spare. He was very glad to hear it; but still he thought that an unnecessary delay in the public business must be anything but advantageous. His first Amendment was to omit clause 2; for he objected, and the majority of the metropolitan parishes—the parishes of London, Middlesex, Kent, and Surrey, who would be all affected by this Bill—objected to the formation of a board. The board might be composed of very excellent men, such as Lord Ashley or Mr. Chadwick; but, without intending any disrespect to either, the metropolitan districts had no confidence in them; they thought they could administer their own affairs far better than these gentlemen could. The metropolitan districts wanted no board at all, but required that vestries should make arrangements for the interment of the dead out of the metropolis. The Bill did not take the dead out of the metropolis, for the words were, in or near the metropolis. If the noble Lord was determined to go on, and to ram this Bill down their throats, he might go on as well as he could; but he (Mr. Duncombe) proposed, and he did so with no feeling of hostility towards the Government, that no such board should be constituted. And if it were to be constituted, why should they be ashamed of their name? It was to be called the Metropolitan Board of Health, and the Bill was the Metropolitan Burial Bill. Why should not the board be called the Metropolitan Burial Board? They objected to this low term, lest they should be called a set of undertakers. Why, they were a set of undertakers who made jobs, and buried people where and how they liked. The object of his amendments was that parishes should unite and find places for burial within a certain distance of the metropolis. He would now move that the clause should be omitted, for the purpose of introducing a clause not taking away parochial powers.

Mr. HUME wished to know what the expense of this board was to be. He was opposed to taking away the power from the parochial authorities. No one was more desirous that burial places should be provided at a distance from the metropolis than he was, but he could not trust this board. And what necessity was there to make the board perpetual?

Sir G. GREY said, he could remove the misapprehension that existed with regard to the perpetual existence of the board. It was necessary in order to enable the board to hold property to constitute them a corporation, but that could only be during the continuance of the Board of Health. When he introduced the Bill, he stated that the Board of Health, unless renewed by Parliament, would expire in 1853. The subject must necessarily come under the consideration of Parliament again before that period elapsed, and if it were requisite to take away these powers, Parliament could take them away. As regarded the expenses of the board, it consisted now of three members. One was paid, and it was proposed that another paid member should be added to it for the purposes of this Bill, and that officers should be appointed. A great deal had been said about the principle of centralisation, and that it would be quite enough to pass a short Bill to prevent future interments in the metropolis, and that it would be sufficient to give the parish authorities power. But without a central power the parish officers might refuse to carry the Act into execution; and if they were to go to law with them to compel them, there might be a delay of two or three years. And then look at the number of parishes in London, and each parish was to have its separate burial ground. ["No!"] Then if they had to make voluntary arrangements, *per se*, it was not probable that they would close the burial grounds that now disgraced this metropolis, the only one in Europe which was so disgraced, by burying the dead among the living. The parochial system did not meet the exigencies of the case. It was well known by those who had paid attention to the matter that the worst burial grounds were not parochial but private burial grounds; they belonged to parties who were deriving a large revenue from them. Some belonged to Dissenters, some to Quakers, some to Catholics, and some to Jews. How were they to shut these up, or how were the parochial authorities to provide substitutes for them? And a great hardship would be imposed upon all who were not members of the Church of England. They said they would compel parishes to provide other burial places. If they did, it must be by a rate upon Dissenters as well as Churchmen, and that, he thought, would be open to greater objections than this Bill. The hon. Member for Finsbury stated that, in bringing forward the amendments of which he had given notice, he would labour under great disadvantage, inasmuch as the clauses to which his amendments bore reference had been altered. However, not one syllable of those clauses had been altered; they stood just as they did when the hon. Member gave notice.

Mr. M. GIBSON said, that this was a question of very great importance, and that the Bill now before the House was felt to be the first of a series of measures; in fact, it was looked upon as a model Bill. With regard to this clause, he thought that the right hon. Gentleman the Secretary of State must admit that it was very defective, even on the grounds which he himself set forth, because even supposing that a central body was admitted to be desirable, and that parochial management was not adapted to the regulation of the many districts to be created by this Bill, it did not therefore follow that they were to have a corporation, the members of which were to be nominated by the Crown, who should be totally irresponsible to the ratepayers and the public. He was of opinion that a close corporation, appointed by the Crown, for the purpose of levying taxes, and spending the money independently of the sanction of the public, was not to be defended. He thought that there might be a central supervision, but it should be responsible to the ratepayers and the public.

Mr. MACKINNON said, that about six years ago he brought in a Bill laying down the principle that each parish or union of parishes might carry out the object now desired; but upon consideration, looking to the multiplicity of interests concerned, he came to the conclusion that it would be physically impossible to carry it out if it were left to parishes alone. He believed, therefore, although he would not defend all the provisions of this Bill, that it would be impossible to abate the nuisance complained of, and to carry on extramural interments without some such board as was now proposed. He did not wish to centralise—the less of centralisation the better—but there might be peculiar cases where self-government was improper. Take Smithfield-market—would they leave that entirely in the hands of the Corporation of London? And there were other similar cases. He believed that it would be better for the people to accept this Bill than to run the risk of losing it altogether, and have the possibility of the cholera again oocurring. The Bill was absolutely necessary for the welfare of the country—it was loudly called for by the people, and ought to pass into law.

Sir B. HALL thought the statements made by the hon. Member who had just sat down were most extraordinary, inasmuch as he supported the principle of centralisation, though he admitted that it produced a great many evils. The statement, too, which had been made by the right hon. Secretary of State was most unsatisfactory. The hon. Member for Montrose had asked what would be the expense and the operations of the Commission? To this no answer was given, but that in the year 1853 the matter would come before Parliament for revision, and that then it would be left to their option to continue the board or not. They all knew very well what promises of that kind were. The same thing was held out when the income tax was passed; but since that they never heard of it. Once they established a board of that kind and appointed officers, it would be impossible to get rid of them, as they would be able to engender work for themselves, and would induce the Secretary of State to continue the commission. The real question was not whether they should appoint a central board for a limited period or not, but it was whether they should take from the metropolitan districts and the parochial boards all power of interfering in the matter. He (Sir B. Hall) represented three parishes which paid taxes to the amount of 2,000,000*l.* a year, and this Bill would take 7,000*l.* a year from the inhabitants, and place it in the hands of persons who would not be responsible to them for the way in which it was expended. He would now draw a comparison between the ways in which central boards and parochial boards did their business. The Commission of the Woods and Forests had under their control the streets from Oxford-street down to Cockspur-street, and there the inhabitants were obliged to pay a rate of 14*d.* in the pound for what the inhabitants of St. James's, which was under the management of a parochial board, had to pay 4*d.* in the pound. The United Service Club and the Athenæum had to pay 14*d.* in the pound for what the Travellers' Club and the Reform Club had only to pay 4*d.* This was one of the disadvantages of having an irresponsible board. If the object of this Bill were, as no doubt it was, to take out of the hands of the parochial boards all power of interfering, why not say so? He was of opinion that the people of the metropolis had quite enough intelligence to enable them to mind their own business. He himself assented to the principle of extramural interments to the fullest extent; but he was of opinion that when there was such intelligence and activity amongst those who represented the parishes of London, it would be much better to leave the carrying out of these measures in their hands.

The CHAIRMAN said, that as the Amendment of the hon. Member for Finsbury was to expunge the second clause, it could not be taken before the others, which were amendments on that clause. The latter, therefore, should be taken first.

Sir W. CLAY said, that the right hon. Gentleman the Member for Manchester had put this question in its true light. It was a question as to the best mode of constituting a central board. There were eighty-seven parishes comprehended in the metropolitan districts, and he wished to know whether the right hon. Gentleman meant to say that each of these parishes should send a representative to the central board; if so, he must say that there could not be a more ineffective body. If, however, the central body was to be composed of three or four members, he could not see how they could possibly be made to represent so many districts. The fact was, that they had a great and difficult work before them. The right hon. Gentleman could not object to centralisation more strongly than he did; but he must say that in this case the initiative step must be taken by such a body as the Board of Health.

Lord ASHLEY said, that the hon. Member for Montrose had said, that it was desirable that some explanation should be given as to the amount of expense to be incurred. He thought he might safely say, that no expense whatever would be thrown on Marylebone or any of the parishes in the metropolis. A power was certainly given in some of the latter clauses of the Bill to levy a penny rate, but that power was given to the board to enable them to raise a sufficient security for the sums required to be laid out in the purchase of grounds, &c. The repayment of the principal and interest would be provided for by the funds received for the use of these grounds; and he had no doubt that all these transactions would be carried on without the slightest burden, direct or indirect, being thrown on the metropolitan parishes. The estimated receipts from the burial grounds, supposing the number interred in the course of the year to reach the usual average, 52,000 persons, would more than pay all expenses. The rate was simply a nominal security, and no demand would be made on any of the metropolitan parishes on account of this Bill. An hon. Member had expressed some distrust of the measure on the ground that it had originated with the Bishop of London and Mr. Chadwick. With regard to the Bishop of London, he could state that the Bill was all arranged and drawn up before his opinion was asked; in no way did the right rev. Prelate interfere. With regard to Mr. Chadwick, he was bound to bear testimony to the valuable and important services he had rendered to the public interest. He regarded that gentleman as one of the most diligent, most intelligent, and most assiduous servants the Crown ever possessed. He was perfectly astonished at Mr. Chadwick's powers of labour. Not only did that gentleman discharge the duties which fell to his share, but he looked out for other work. The Board of Health had a great desire, if possible, to carry out the parochial system to its full extent; but that after a long and anxious inquiry, they had come to the conclusion that the parochial system, as at present existing in London, was altogether inadequate to the performance of the duties which must be discharged in carrying the Act into operation. They found that if the parishes were to attempt to carry out the Act singly, they would be far too weak for the purpose, and if they tried to carry it out in combination, far too unwieldy. If they tried to carry it out singly, the expense to each parish would be intolerable. Each parish would have its own ground, its own establishment charges, and its own officers; and if the parishes were to act in combination, hon. Gentlemen would perceive that they at once approached the very principle and machinery of the plan which was now proposed, though on a larger scale. There was another subject which was worthy of attention. The Bill proposed to make extramural interments compulsory, which, as things now stood, would impose on the relatives of the deceased a very great additional expense. Instead of a quarter of a mile or so, the corpse would have to be carried out six or seven miles, and something must, therefore, be done to reduce the expense of interment to the working man, which could only be accomplished by dealing with those things on a large scale. If it were left to the parish alone the expense would be greatly increased, and an additional burden would be imposed on the working classes. He must say, also, that the experience which he had had during August and September last year, when hundreds died of the cholera daily, did not induce him to think that parochial boards could be safely entrusted with the administration of these matters. In affairs of this kind there must be some strong independent body to carry the schemes proposed into full effect; while he thought that such a central authority would present a more direct and personal responsibility than any authority which could be wielded by the parochial system. What, in fact, was responsibility to the ratepayers compared with the responsibility, direct and personal, afforded by the members of the board being also Members of that House? He thought that the latter form of responsibility, as it was more direct, was likely to be more efficient. They must recollect that the parochial system had been going on for many years, and that under it had arisen the very abominations which were now so much complained of. The system of extramural interment had been carried into effect in almost all civilised countries—in France, Germany, Italy, and even Turkey. It was desirable to ascertain what had been the experience of these countries; and they found in every instance that the working of the system had not been entrusted to any local body, but to a central authority. Seeing, then, the gigantic task which they had to deal with—the means for the suitable interment of upwards of 52,000 corpses per annum—he believed that it would be impossible to come to any conclusion other than that the old parochial system was utterly inadequate to meet the requirements of the case.

Mr. M. GIBSON inquired what power the ratepayers would have of checking the expenditure of the central board, that board having authority to levy rates?

Lord ASHLEY said, that the responsibility of the board—its principal members sitting in Parliament—would be more direct than it could be made by any parochial arrangement.

Mr. Alderman SIDNEY was at a loss to know by what power of reasoning two gentlemen and one paid officer should be presumed to be equal to the talent and industry of the community at large. There were many persons equally as capable of forming a judgment as Mr. Chadwick. It was stated in the report that 700,000*l.* would be required to launch the scheme, and 112,000*l.* per annum; but the noble Lord had not stated by what means he would obtain the 112,000*l.* He strongly objected to this centralising principle, particularly in so offensive a form as that of burying the dead. As far as the city of London was concerned, they had an Act not to allow burials in the city. Parishes had been constituted into unions, and he thought unions would be much better, with their general knowledge of mankind, than the knowledge of three individuals shut up in a room, imagining that all wisdom was centered in their views. He should support the Amendment of the hon. Member for Finsbury; he believed that if the Bill were passed in the present shape it would be productive of great dissatisfaction. He did not know any reason why, because the evil of intramural sepulture existed, that it should be met by a greater evil.

Mr. DRUMMOND said, that he had a great many objections to make to almost every clause in this Bill. Two years ago they had had a Bill about the health of towns, a Bill, if possible, containing worse provisions than this Bill. However, it turned out that the bad Bill was entirely changed, and made much better. They must watch this Bill very narrowly; it had come in a very bad Bill, but he hoped they might amend, so that it might go out a very good one.

Sir De L. EVANS asked whether responsibility was to be established, and thus a great change to be made in the spirit of the constitution of this country. Three gentlemen had come to a resolution that parochial boards were not to be trusted. These three gentlemen had laid it down as a fact that the system of self-government which had prevailed in this country for three centuries was not to continue. He supposed that the next thing proposed would be, that the Poor Law Commissioners should put down the authority of the boards of guardians altogether. They now administered about six millions of money. That was the great question at issue, and not extramural interments. The people were as firmly convinced of the necessity of extramural interments as the Board of Health. The noble Lord had said that there was only a conditional security of 1*d.* in the pound, but there was nothing to show how long that would last. He hoped they would not affirm this second clause until time was allowed to the Members of this House to suggest the substitution of other clauses.

Lord J. RUSSELL said, that all the opposers of the clause seemed to have fallen into two errors: first, that our parishes had been for the last 300 years in the practice of burying the dead; and, secondly, that the proposed board would be irresponsible. He had always understood that if a pauper died in a workhouse, the parish had to take care he should be decently interred; but as to parishes having any general control over the burial of all persons, he need not say it was a power they had never exercised, and one which could only be conferred on them now by an Act of Parliament. Therefore the whole of the declarations they had heard about self-government fell to the ground, and the parishes had no more claim to exercise that power than they had to say to the Admiralty, "We can build ships better than you, and ought to build them exclusively." It was admitted, without a dissentient voice, that interments in that great metropolis and in the thickly-inhabited suburbs should no longer take place, because the burial of the dead was a cause of disease and mortality among the living. It being necessary to alter that system, let the House consider in whose hands they could best place the power of carrying the alteration into effect. If they could obtain a better body than the Board of Health, they would be wise to give it that power; but let them not run away with the notion that because they had parochial bodies already, those bodies were the best fitted to exercise that power. Was each parish to find a separate burial ground, and to provide a cemetery according to its requirements? In that way the Bill could never be carried into effect at all. Hon Gentlemen talked of the expense of this Bill; but the expense to which the ratepayers of the metropolis would be put by such a proposition would be something quite beyond contemplation, and persons of small means would be utterly ruined. Then, as to a combination of parishes, was this a sort of business a combination of parishes ought to undertake? Let them recollect that in adopting that plan they were departing from the parochial constitution and self-government they prized so highly. If they had 80 or 90 parishes taking on themselves the burial of all persons, it would be as great an innovation as the proposal of Government. It was, in fact, necessary to create a new power, because what was proposed was new, and their means of effecting it must be new also. If 80 or 90 parishes were to combine it would be necessary to have some place of meeting, which would, of course, be distant from the residence of some of the parish representatives; the attendance, consequently, could not be always relied on, and a board so constituted would be utterly unfit to carry on the business. He came, then, to the conclusion that they must have some small body of persons—he would not say with the precise powers proposed, but with such powers as would enable them to carry out the object as to which all were agreed. As to the irresponsibility of the Board of Health, it was to be remembered that the chief commissioner of that board was also Chief Commissioner of the Woods and Forests, and that, in the case of any abuse or of any complaint, he would be responsible for anything done in his department. No one had suggested any better body to intrust with these powers; and, if they determined to do away with the present system, they had better take the means open to them. The hon. Member for Finsbury had declared himself convinced of the necessity of doing something for the preservation of the public health, and then said the Government Bill was a gigantic job. If it was advisable to indulge in imputations of that kind, it might be easy to make them with respect to the opposition to the Bill, and to the motives of the opposers, which would be quite as valid as the imputations of the hon. Member. He gave the hon. Gentleman full credit for wishing to preserve the public health, and hoped he would give the same credit to Government. An hon. Alderman had stated that this scheme involved an expense of 112,000*l.* a year. Supposing that to be the amount, it should be recollected that the saving in the metropolitan interments had been estimated by the Board of Health, in round numbers, at 350,000*l.* Hon. Gentlemen who talked of the great amount which interments would cost in future, must admit that according to all the calculations which had been made on the subject, there would be, not an increase, but a great diminution of expense.

Mr. MOWATT believed that all parties were agreed as to the necessity of bringing to a close as soon as possible the present deplorable system of burying the dead among the living. When, however, the noble Lord said that those who admitted the necessity for a change should adopt the proposed means of effecting it, he must say that the necessity for vesting such vast powers in a body to be wholly irresponsible had not been established. He regretted the necessity for opposing a Bill having such an object; but he considered the measure to involve a principle which, if sanctioned, would form a dangerous precedent. The Government having postponed action in this matter last Session, now presented an objectionable measure, saying, "Take this or none." It was unfair to say that those who opposed the measure were favourers of the evil it was designed to remedy. The onus lay on the Government of showing that such arbitrary powers were necessary for the accomplishment of the object. Was there no other mode of effecting this great object than the appointment of an irresponsible body? The measure would probably lead to the ratepayers being called upon, not merely for a penny in the pound annually, but for five or six pennies. [Lord J. Russell: The Commissioners could not, under the provisions of the Bill, take more than a penny.] But could any one doubt that the principle being sanctioned, if an application were made for extended powers next year, it would be acceded to? His grand objection to the Bill was, that it was opposed to the principle which he believed to be one of the chief sources of this country's prosperity—namely, that those who levied the rates should be responsible to those who paid them. Admitting the absolute necessity for passing some measure, he could not reconcile it to his duty to vote for the Bill before the House.

Mr. SLANEY said, the two great objections urged against the Bill were, that it was unnecessarily expensive, and that it was unconstitutional. In his opinion, it was neither the one nor the other. He denied that there would be any interference with rates. Had burial fees ever been paid from parochial rates? So great a change could not be carried out without the appointment of a Commission. As regarded the constitutional objection, he would observe, that they would have the noble Lord the Member for Bath in the House to answer any question which might be put to him. Some hon. Members might say, "Why not have the elective principle?" [Mr. M. Gibson: The municipal.] He believed that if the municipal bodies were assembled for such a purpose, there would be as much wrangling amongst them as in a convocation. As a Commissioner of the Board of Health he had visited many of the humblest and most wretched portions of the metropolis; and what he had seen had led him to feel how great was the necessity for improved parochial management. The dwellings of the rich might be attended to, but those of the poor were almost entirely neglected. He wished before he sat down to say a kind word with regard to a class of persons who were out of spirits in reference to this Bill—the undertakers. Power was given in the Bill to make contracts; and the undertakers were, of course, very likely parties to share in those contracts. He would be sorry to see the interests of that body injured by the sudden change; but their experience, knowledge, and capital rendered it probable that they would be employed. At all events, the Bill was necessary for the health and comfort of the poorer classes.

Lord D. STUART said, all he had heard recently in the debate had confirmed him in the opinion that the best course was that which the Government had rejected, namely, to refer the Bill to a Select Committee. All the defenders of the Bill proceeded on the ground that what they all wished could not be carried out in any other way than that proposed; but he believed that by a union of parishes, it might be secured quite as effectually and at less expense. The expense of management alone in the case of the commission of sewers amounted to 25 per cent of the amount collected. Where was the parochial board which could not do better than that? The expense of managing the Marylebone police, at the time when it was in the hands of the parish, was 9,000*l.* a year; at present it was 24,000*l.* a year, though the number of police employed was less, and the parish not better watched than formerly. He hoped the clause under consideration would be rejected, and the Bill changed in consequence for the better.

MR. HUME wished to know what salary the second commissioner was to receive.

SIR G. GREY said, the salary of the chief commissioner was 1,500*l.* a year; it would rest with Parliament to fix that of the second commissioner.

MR. HUME said, that if it should be shown that the parish of Marylebone, or any other parish, would not provide sufficient accommodation for extramural interment, the appointment of a central board might be justified, but not otherwise. Referring to Mr. Chadwick, he said he knew no one who had been a more useful public servant; no one had taken so much pains to establish a system for reducing the charges on funerals; and this Bill proposed to carry out such a reduction. But why should the power be wholly centred in one board? How was the cost of the land to be defrayed except by fees or parochial rates? Was it likely that 85 parishes would all submit to have their contracts entered into by one board, when the circumstances of each were so different? After the example of the power given to the Lord Chancellor of compensating the six clerks, he must object to any board of three persons having the power to pay fees or compensation to clergymen, and others, beyond the duration of their lives. He would suggest that this Bill should simply prohibit interments within a certain distance, three years being allowed to make the arrangements, and that each parish should be required and empowered to conduct its own interments.

MR. WYLD said, that the parishes had been blamed for not conducting their interments properly, but they had been impeded in their efforts by all kinds of obstructions from both the civil and ecclesiastical law. The parish of St. Martin's, for instance, had had great difficulty in establishing an additional burial ground; and, at present, an expense of 15*l.* or 20*l.* must be incurred for each interment, out of a parish. There were only fifty-nine parishes within the limits of the Bill; but the number was amply sufficient to carry out the machinery proposed for conducting interments. Each parish might appoint a delegate; there would then be six for Westminster, and these might appoint a commissioner. The Government might still retain the power of appointing officers to regulate the proceedings of the parochial delegates.

MR. FITZROY said, the parishes were perfectly aware that their machinery might require to be regulated by the general Board of Health; but they were anxious to have the conducting of the interments in their own hands, being confident in their ability to provide the necessary funds without seriously burdening the ratepayers. But they felt it a great grievance that the Commissioners should have the power of directly taxing the ratepayers instead of their own officers, in whom they had confidence. They believed that funds administered by those who had no interest in them were invariably administered at greater expense than when placed in responsible hands. The Commissioners of Sewers were a notorious instance of this fact. After the most mature consideration of the question, he felt bound to vote for the Amendment.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 135; Noes 57: Majority 78.

Clause agreed to.

Clause 6,

MR. HUME asked if there would be any objection to introduce a proviso that the board should only interfere in the event of the parishes neglecting for three years to make the required arrangements?

SIR G. GREY said, the only effect of this would be to postpone the operation of the Bill for three years.

MR. D'EYNCOURT hoped that every facility would be given to the parishes by providing burial grounds in their immediate neighbourhood, so that the families of deceased persons might have an opportunity of being present at the interments. In the borough which he represented there were large tracts of land in the immediate neighbourhood which might be available for the purpose of burial grounds.

MR. HUME said, he should move the omission of the words "either within or" from the clause, the effect of which was to allow the continuance of the existing nuisances arising from burial grounds.

Sir G. GREY opposed the omission of the words, on the ground that there were many eligible sites in open places yet within the metropolitan districts, which might be advantageously selected by the board as burial grounds.

Mr. HUME said, that St. John's Wood was such a district some years ago; now it was filled with a dense population, and the burial grounds there were as great a nuisance as those in the heart of the metropolis. It was only tampering with the evil to remove the burial places to the outskirts, as the population would soon enclose them.

Sir G. GREY said, that the greater the distance the heavier would be the expense; and the effect of the Amendment would be to preclude the board from adopting any site, however eligible, within the district comprised in the schedule.

Mr. HUME withdrew his Amendment.

Mr. WAKLEY said, the difficulties in providing for extramural sepulture had always arisen from the ecclesiastical influence which was at work, whereby the parishes had been prevented carrying out the necessary reforms. It was too bad that these parties should now have the first consideration. He wished to know the minimum distance to which it was proposed to carry bodies.

Lord ASHLEY said, it was not one cemetery but several that it was proposed to establish, and that they would be found at greater distances as the population kept increasing.

Clause 6 agreed to.

On Clause 7,

Sir W. CLAY said, that this clause bore very hardly upon the proprietors of cemeteries, because it allowed the board a period of two years, within which they could purchase their cemeteries. Before that time, however, the board might form new cemeteries contiguous to the old ones, which would, of course, depreciate their value; and they might then compel a sale when thus depreciated. He, therefore, thought that the board, if they desired to purchase any of these cemeteries, should be obliged to do so within five or six months, instead of two years.

Mr. MOFFATT thought the clause should be expunged altogether, and moved that it be struck out.

Sir G. GREY said, that he had no objection to the clause being struck out, but he knew that the cemetery companies themselves were anxious that it should not be struck out. What they wanted, in fact, was that it should be made more stringent for their protection. It was intended to take these cemeteries, if necessary, by mutual agreement if possible, but if not by compulsory process under the Land Clauses Compensation Act. He did not think it would be advisable to compel the board to purchase, when perhaps they might not have money in hand. But it was not probable that any new cemeteries would be built in the neighbourhood of old ones.

Lord D. STUART said, that time had not been allowed to consult those who were interested in the measure.

Sir G. GREY said, that this clause had been before the House for six weeks, and the only change made in it was one giving the companies increased protection.

Lord R. GROSVENOR said, that no person could say that the cemetery companies were taken by surprise.

Sir B. HALL said, that many persons had relatives interred in these cemeteries, and had acquired rights in them. He thought that their feelings should be consulted before the Government struck any bargain with the proprietors of cemeteries.

Mr. HUME suggested that words should be introduced declaring that no cemeteries should be built within a certain distance of those in existence at present.

Lord ASHLEY said, that the duties and obligations of the existing companies were to be transferred by the Bill to the new board, who, he thought, were likely to discharge those duties with as much benefit and credit as any irresponsible board of directors.

Motion withdrawn. Clause agreed to.

Clause 8.

Mr. LUSHINGTON objected to the distinction that was made between Christians in this clause. For himself, he laid no stress on the rite of consecration, because he did not find it enjoined in any part of the New Testament; yet he respected the feelings of others on this head. He considered that this clause contained a great act of national intolerance. On the Continent, in Ireland, and in India, all Christians might be buried in consecrated ground; but provision was made by this clause for the separations of the members of the Church of England from all others. It was disgraceful to perpetuate distinctions of that kind beyond the grave. It appeared that they were the only intolerant set of Christians in the world.

Mr. DRUMMOND asked whether the hon. Gentleman would have the burial ground ploughed up and sown, because if it was not consecrated there was no reason why they should not do so.

Sir G. GREY said, that the clause introduced nothing new. The General Cemetery Bill indeed contained a more stringent clause for separate burial.

The Earl of ARUNDEL and SURREY said, that the hon. Member for Westminster was mistaken in saying that the Church of England was the only intolerant Church—if intolerant was the proper word to use—in this matter; because there was another great body of Christians who required consecration, and valued none but their own.

Clause agreed to.

Clause 9.

Mr. LENNARD wished that the power which this clause proposed to give to the Bishop of London of withdrawing the licence from a chaplain after his appointment should be expunged from the clause. He did not think that any necessity existed for increasing thus unreasonably the power of the bishops at the expense of the clergy.

Sir G. GREY said, that no new power was given to the bishop. He had now the power of withdrawing the licence from curates. The only variation made by this clause was that the board empowered to remove the chaplain, even though the bishop should not withdraw his licence.

Clause agreed to.

Clause 10.

Lord D. STUART wished to know if persons not belonging to the Church of England would have the privilege of consecrating any portion of the ground according to the rites of their own faith.

Sir G. GREY said, that if the interpretation clause was referred to, it would be seen that, by the word consecration was meant, consecration according to the rites of the Church of England and Ireland.

Colonel THOMPSON said, the most valued point about the Church of England's rite of consecration, was the security it was supposed to give against seeing the bones of our relatives scattered about the country through the agency of bone-mills. This security was a civil right, and as such should be equally given to the Catholic, the Dissenter, and the heretic of every degree. His object was now to ask whether this security was to be given?

Sir G. GREY replied that it would be found to be secured.

Clause agreed to; as were also, with some verbal amendments,

Clauses 11 to 17, inclusive.

The House resumed.

Committee report progress. To sit again on Thursday.

COURT OF PREROGATIVE (IRELAND) BILL.

On the Motion to nominate a Select Committee on this Bill,

Major BERESFORD opposed the constitution of the Committee, inasmuch as nine out of the fifteen Members who composed it were constant supporters of Her Majesty's Ministers, and the remaining six were Members of the Opposition. He opposed the Bill, therefore, on his own behalf, as well as on the part of the hon. and learned Member for the University of Dublin.

Mr. KEOGH said, that though he agreed to have the Bill referred to a Select Committee, he certainly had no idea that that Committee should be left to the choosing of the hon. and gallant Gentleman the Member for North Essex. The hon. and learned Member for the University of Dublin objected to some Gentlemen on the Committee, and he was not then present to sustain his objection. But perhaps the hon. and gallant Gentleman objected to the Committee because a Roman Catholic Gentleman had been appointed on it, and because that Roman Catholic interests were to be disposed of to a great extent by the Bill. Now to show the composition of the Committee he (Mr. Keogh) begged to say he nominated nine Protestant and five Roman Catholic Gentlemen on it; and therefore he did not think it deserved condemnation.

Mr. MACKENZIE thought those opposed to the measure should have something to say to the formation of the Committee as well as the hon. and learned Gentleman. All he required was a fair Committee to discuss the question in a candid spirit; and if the hon. and learned Gentleman would consent to the substitution of the name proposed by the hon. and learned Member for the University of Dublin, he (Mr. Mackenzie) would have no objection.

Sir G. GREY recommended an arrangement in private as to the formation of the Committee.

Mr. BRIGHT said, the hon. and learned

Gentleman the Member for the University of Dublin was amusing himself in listening to the debate in the other House, and therefore it would be unreasonable to have the Committee postponed.

Mr. NAPIER said, he wished to have the name of Mr. Goulburn substituted for that of Mr. Sadleir.

Mr. HUME considered it would be unfair to strike off Mr. Sadleir's name, he being a Roman Catholic, seeing that already the Catholics were in a minority on the Committee.

Mr. KEOGH said, the Bill was intended to improve the Prerogative Court of Ireland, through which property to the amount of five millions a year passed, and half of which at least was that of Roman Catholics.

Major BERESFORD said, the Committee was composed of thirteen Irish Gentlemen, one English and one Scotch Member, and it was not therefore asking too much to have a second English Gentleman placed on it. He denied the statement that property to any such amount as represented by the hon. and learned Gentleman as passing through the court belonged to Roman Catholics. He considered it most unfair that religion should be dragged into the question, and he repudiated the insinuation. He could not avoid remarking that hon. Members who generally supported Government, sat occasionally on that (the Opposition side of the House) and consequently could not avoid listening to the conversation that might be going on. The old and honourable rules of the House were violated, and when they chose Committees from that (the Opposition) side of the House, they chose Gentlemen who were supporters of the Government through thick and thin.

Sir G. GREY was sorry that the question of religion had been introduced. He should be sorry to vote against the name of Mr. Goulburn. If any arrangement could be made, he should be glad; but, after what had been stated, he could not vote against Mr. Sadleir.

Mr. KEOGH said, he should be quite ready to substitute the name of Mr. Goulburn for Mr. Gladstone. [Major Beresford: No!] Well, he did not expect that any suggestion that was reasonable would be acceded to by the hon. and gallant Member.

The ATTORNEY GENERAL said, if this were only a question as to whether Mr. Goulburn should be a Member of this Committee, he should not be under any difficulty. But the question was whether Mr. Sadleir should be struck off the Committee, and he could not vote for Mr. Sadleir's exclusion.

Mr. Keogh, Mr. Napier, Mr. Scully, Mr. G. A. Hamilton, Mr. W. Fagan, and Mr. Grogan, were nominated Members of the Committee.

Motion made, and Question proposed, "That Mr. Sadleir be one other Member of the said Committee."

Amendment proposed, "to leave out the name of Mr. Sadleir and insert the name of Mr. Goulburn," instead thereof.

Question put, "That the name of Mr. Sadleir stand part of the Question."

The House divided: Ayes 106; Noes 29: Majority 77.

Question, "That Mr. Sadleir be one other Member of the said Committee," put, and agreed to.

Lord Naas and Mr. O'Flaherty nominated other Members of the said Committee.

Motion made, and Question, "That Mr. Bouverie be one other Member of the said Committee," put, and agreed to.

Mr. Solicitor General for Ireland nominated one other Member of the said Committee.

Mr. KEOGH said, it was perfectly true that he had taken his seat on the Opposition side of the House without taking out a patent from the hon. and gallant Member for North Essex; but that was nothing new, for he had been accustomed to sit on that side of the House, having been returned as a Catholic and a Conservative.

Major BERESFORD would put it to the hon. and learned Gentleman's conscience whether he acted as an honest and independent Member, or whether he appeared there under uncertain colours; and if he was returned as a Conservative, whether he had acted on Conservative principles, or whether he had not made set speeches in favour of Ministerial measures which he was told would come with considerable force from that side of the House? With regard to this Committee, the vested interests of Ireland were not represented at all, but the solicitors were represented in the person of Mr. Sadleir. The Lord Primate of Ireland, who had a vested interest, was not represented. He (Major Beresford) was induced, under false pretences, to consent to the second reading of the Bill the other night. The hon. and learned Member for Athlone said, he had got the consent of the hon. and learned Member for the University of Dublin to the Committee. He must say that he was exceedingly soft in taking the word of an hon. Member who sat on one side of the House, and voted on the other.

Colonel RAWDON did not rise to add to the warmth of the debate—but to say that the interests of the Primate were surely represented in the Committee, seeing that it included two Members of Universities.

Mr. NAPIER said, the hon. and learned Member for Athlone stated that he (Mr. Napier) consented to the Committee. He did consent to put on the Solicitor General for Ireland, provided the hon. and learned Gentleman would show him the other six names; but he declined, and then the arrangement broke off.

Mr. GROGAN then moved Mr. Goulburn's name in the place of Mr. Monsell's.

Motion made, and Question proposed, "That Mr. Monsell be one other Member of the said Committee."

Amendment proposed, to leave out the name of Mr. Monsell, and insert the name of Mr. Goulburn, instead thereof.

Question put, "That the name of Mr. Monsell stand part of the Question."

The House divided:—Ayes 77; Noes 30: Majority 47.

Question, "That Mr. Monsell be one other Member of the said Committee," put, and agreed to.

Mr. Bellew nominated one other Member of the said Committee.

Mr. G. A. HAMILTON then moved that Mr. Goulburn be substituted for Sir J. Young.

Mr. M'CULLAGH said, the majority ought to use their power with some forbearance. He must say this was not the decision of the Committee respected in the House.

Motion made, and Question proposed, "That Sir John Young be one other Member of the said Committee."

Amendment proposed, to leave out the name of Sir John Young, and insert the name of Mr. Goulburn, instead thereof.

Question put, "That the name of Sir John Young stand part of the Question."

The House divided:—Ayes 75; Noes 36: Majority 39.

Question, "That Sir John Young be one other Member of the said Committee," put, and agreed to.

Five to be the quorum.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, June 4, 1850.

Minutes.] Public Bills.—1ª Vestries and Vestry Clerks; Railway Audit (No. 2).
Reported.—Exchequer Bills.

SUNDAY TRADING PREVENTION BILL.

Order of the Day for receiving the Report of the Amendments read.

The Earl of HARROWBY moved that the report be now received.

The Earl of ELLENBOROUGH wished to offer a few words cautioning their Lordships against proceeding too far with this kind of legislation. He was the more inclined to repeat the caution which he had before given, because, after this Bill had passed, no one of their Lordships, no one of the middle classes, certainly no one of the higher classes, would be in any way affected by its provisions. They might order their carriages and drive where they pleased; but the poor man would not be able to buy an ounce of tea or a pound of bread or meat for provision for his family on Sunday; so that if he were, by his own neglect, or by the lateness of the hour at which he received his wages on the Saturday night, too late to go to market on Saturday, he would be driven to the cookshop on the Sunday; and nothing he thought could be more injurious to the comfort of the working man than to be prevented from providing his dinner at home with his family on Sundays. He wished to call the attention of the noble Marquess, the representative of the Government, to one clause in the Bill, which tended seriously to affect the peace of the metropolis. He referred to that clause which gave the police power to seize articles that were exposed for sale—a provision which he thought could not be carried into effect, in the presence probably of crowds of people, without causing a riot; and he read the evidence of Mr. Commissioner May, taken before the Select Committee, to the same effect. He thought they should put an end as quietly as they could to Sunday trading; but it was better to permit a market on Sunday than to create a riot. One great means of checking Sunday trading would be to induce the employers of labour to pay their workmen on the Friday or the Monday, instead of as now on the Saturday night; but they ought not to take any step in this matter which they were not sure they would be able to retain, and with this view he thought they ought not to go further at present than to prohibit the sale of articles, except medicines, between the hours of ten and one o'clock on Sunday forenoon. He did not, however, propose any Amendment to carry out this suggestion, because to do that it would be necessary to remodel the whole Bill; but he would content himself with the caution he had now given.

The Earl of HARROWBY defended the provisions of the Bill, and reminded their Lordships that it interfered with nothing but trade, and with the trade of the rich as well as of the poor. He thought the noble Earl's apprehensions as to the probability of a riot from the interference of the police were altogether overstrained, and quoted from the evidence of witnesses before the Committee to show that no danger need be apprehended. It was a mistake to suppose that this measure would operate injuriously to the working classes ; it was intended to be, and he had no doubt it would be, a great boon to the poor.

The Earl of MOUNTCASHELL stated, as a Member of the Committee, that the evidence taken before it showed that the measure originated with the shopkeepers and working classes, who complained of being overworked and not having a moment to themselves, and earnestly desired that this Bill might pass in order to secure to them the rest of one day in seven.

Lord BEAUMONT said, he also was a Member of the Select Committee, but he had come to a different conclusion from the noble Lord who spoke last. He could not admit that the Bill was a poor man's Bill, or one in favour of the labourer. It was one, on the contrary, which would deprive many a hardworking man of the few comforts and little luxuries he now enjoyed. It was a Bill to protect the larger shopkeeper against the competition of the smaller; to prevent the poor man from dining with his family in his lodgings on a Sunday, and to make him seek his food in the public-house, by depriving him of the opportunity of purchasing it in a shop, and taking it home the only day he is absent from his work. He considered it very ill drawn in its details, and he was utterly opposed to the mode of carrying them into effect, particularly as regarded the powers which it gave to the police, which he considered most dangerous in practice. The Bill appeared to have been got up by one individual, who had been a tradesman, but who had left his business to follow the more lucrative profession of an agitator for Sabbath observance. [The Earl of Harrowby dissented.] He believed that professional agitation for any question was found to be a lucrative affair. That individual drew the Bill, summoned the witnesses, and suggested the line of examination which the noble Earl followed in Committee. He admitted that in exposing the evils which this Bill sought to remedy, the evidence showed a much stronger ground than he had previously supposed to exist. There were public fairs carried on in some parts of London on Sunday which were more frequented than any fair on a week day. These crowds were nuisances; but he certainly differed from the mode in which it was proposed to carry out the remedy, and he believed that he was not the only Member of the Committee who entertained the same idea.

Lord PORTMAN suggested that this discussion would have been much more in order on the third reading of the Bill, and that their standing orders limited and defined the nature of the discussion proper to that stage.

The Earl of HARROWBY replied.

On Question, Resolved in the *Affirmative.*

Bill to be read a Third Time on Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 4, 1850.

Minutes.] Public Bills.—1° Judges of Assize. *Reported.*—Process and Practice (Ireland) Act Amendment.

AFFAIRS OF GREECE.

Mr. BAILLIE rose, pursuant to notice, to ask the Secretary of State for Foreign Affairs a question with reference to the papers lately presented to Parliament relating to the affairs of Greece. It appeared from those papers that Her Majesty's Government had assumed the right to demand satisfaction, or rather compensation, for any damage or injury sustained by British subjects either from riots or rebellions in the countries in which they might be residing, without reference to the laws or the legal tribunals of those countries. It also appeared from the answer given by the noble Viscount to the hon. and learned Gentleman the Member for Southampton, that Her Majesty's Government did not make any such pretensions with respect to any damage or injury which British subjects might sustain when they resided in the United States of America. Now the first question he wished to ask the noble Viscount was, why a different course should be pursued with reference to the States of Europe from that which had been pursued with regard to the United States; and secondly, whether it was true that the representatives of Austria and Russia had intimated, in the names of their respective Governments, that British subjects would not be allowed to reside in the States under their rule, unless they renounced to a certain extent to the protection of their own country?

VISCOUNT PALMERSTON: Sir, the hon. Gentleman has misstated, in the first place, the position and doctrine of Her Majesty's Government with regard to the matter in dispute between this country and Greece. I understood him to suppose that we have laid down the broad assertion that this Government will claim compensation for any damage or loss which British subjects may sustain in Greece or in any other country by reason of riots, disturbances, or other similar causes. Now Her Majesty's Government have laid down no such position. The principle upon which we have acted has been founded upon the particular circumstances of the particular cases to which they apply, and does not include any general proposition such as the hon. Gentleman has attributed to us. I apprehend that all cases of that sort rest upon the particular circumstances which accompany them. It is impossible to maintain that in all cases foreigners are entitled to compensation from the Government of the country in which they may have sustained injury and loss; but, on the other hand, it is equally impossible to maintain that there are not cases wherein, by the law of nations, compensation may be justly due to foreigners who have sustained injuries and losses in other countries. Vattel, who is usually considered a good authority in these matters, draws the distinction on which the one we have drawn is founded. Without troubling the House with reading the whole of the passages, he says, speaking of war, and what happens as the result of war, and what is allowable as war—

> "Pillage and destruction of towns, the devastation of a country, ravages, and the setting houses on fire, are measures not the less odious and detestable when put in practice from an absolute necessity."

In another passage he says—

> "The property of individuals should be treated in a different manner by an army than the property of an enemy against whom that army is employed."

And then, investigating the cases in which he thinks a Government is bound and is not bound to make compensation, he says—

> "Accidents resulting inevitably from the measures of war, such as the bombardment of towns, &c., are not subject for compensation, but that when the losses are wanton or unnecessary for carrying out the operations, in those cases compensation might be demanded."

Sir, I apprehend that, in each instance in which we have required compensation from the Greek Government, we are able, and have been able, to show there were particular circumstances entitling us to make the demand. We draw no distinction between what happens in Europe and what happens in America; but there is one distinction which practically exists, and that is, that the tribunals of the United States are more open to statements and arguments concerned with justice and right, than the tribunals in some other parts of the world which I hope I may be spared from mentioning. With regard to the supposed announcement that the hon. Gentleman imagines the Governments of Russia and Austria to have made, it is true that in arguing—that in stating their opinions upon, not the Greek claims, but other claims that Her Majesty's Government have made of a similar kind, those Governments, acting on an imperfect knowledge of the circumstances, were of opinion, especially Austria, that it was impossible to draw a distinction between the subjects of a country and foreigners resident in that country, and that if a Government chooses to refuse to its own subjects compensation for injuries of any kind received in the course of hostilities, they are entitled also to refuse compensation to the subjects of any foreign State; and it was indicated as an argument to the Government of Great Britain that it might become necessary for the Government of Austria to consider how far it would be its own interest to encourage the residence of British subjects in Austria. It was not stated, however, whether it would exclude our merchants, or our civil engineers employed in constructing their railways, or the travellers who were spending their money in that country. That was an argument, and nothing more. But against that argument I might quote the example of the Government of Austria itself. Very recently an Austrian merchant brig wrecked on the coast of Ireland, near Tory island, was plundered by the people of that district. The Government of Ireland commenced a prosecution for the purpose of punishing the plunderers, and recovering for the owners and masters of the vessel the amount of their loss. The prosecution, however, failed in consequence of a question that arose as to the place where the venue was laid, and no redress could be received in a court of law. The Government of Austria applied for compensation, though in a case where it is evident a British subject could have obtained none in course of law; and Her Majesty's Government, acting on that liberal principle that always guides their conduct in matters relating to foreign countries, granted compensation to the extent of 500*l*.

Mr. M. GIBSON asked when was the decision come to to compensate the Austrian ship on the part of the English Government?

Viscount PALMERSTON thought it was about a month ago.

Mr. B. COCHRANE begged to ask what course the noble Lord proposed to take with reference to the Greek loan; and whether he proposed, in making a claim on that account, to take into consideration the great losses the Greek revenue had sustained from the policy the noble Lord had adopted towards that country.

Viscount PALMERSTON had thought the hon. Gentleman was disposed, the other day, to censure the conduct of the Government for pressing any claim of that kind. But he must be well aware that the case of a loan was different from that of injuries sustained by British subjects. The loan had been granted by three Powers jointly and in common, and, though each had a separate portion, it was the result of a treaty to which all three were parties. Therefore he did not conceive that any of the three Powers could press beyond a certain point its claim for that loan, without making it the subject of previous consultation with the other two Powers.

Subject dropped.

POST OFFICE—SABBATH LABOUR.

Mr. C. ANSTEY wished to know if the Government would lay on the table copies of the memorials from certain clerks in the Post Office, addressed to the Postmaster General, on the subject of Sabbath labour; and whether it was true that the office of chief clerk in the money-order office having recently fallen vacant, each of the clerks in the order of seniority had had an offer of the vacant office, on condition of admitting that the statements in the memorials referred to were false, and that on their declining to do so, the office had been given to the clerk of the money-order department in Edinburgh, who ranked considerably lower than the clerks that had been passed over, and who had been decided by Lord Lonsdale as an improper person to be promoted out of his turn?

Mr. HAYTER said, it was undoubtedly true that the gentleman appointed to the vacant situation in the money-order office had been placed over the head of another party. The Postmaster General considered that, in appointing to the head of a department, he was bound to look out for the person most competent to discharge the duty. He had, therefore, passed by, as he was justified in doing, the principle of rotation, and had selected the person who, on all grounds, from his meritorious services and efficiency, was most entitled to fill the office. He was not aware of any application being made to the clerks, calling upon them to make any such statement as the hon. and learned Gentleman had referred to. He believed the report to be totally unfounded. The officer appointed had been selected solely on account of his eminent efficiency and capacity for discharging the duties of the office. He was wholly unknown to the Postmaster General except by his merit. He had been employed in the money-order office in Dublin; thence he was promoted, by the predecessor of the present Postmaster General, to Edinburgh; and having discharged his duties there very efficiently, he was now removed to London. There was no objection on the part of the Post Office to lay before the House the memorials and correspondence referred to; but unless it was intended to make that House a court of appeal with respect to the appointments in all public departments, he did not see the wisdom of presenting those memorials. If the hon. and learned Gentleman thought proper, he might move for their production; and it would then be his (Mr. Hayter's) duty to take the opinion of the House on the subject.

Mr. C. ANSTEY wished to know if the principle of seniority and rotation had not, down to the present time, regulated promotions of this kind?

Mr. HAYTER said, he could most distinctly state that that had not been the practice. The evidence taken before the Select Committee on the miscellaneous estimates, from the heads of three or four departments, showed that officers were frequently transferred from one department to another; that the rule of promotion was not ordinary rotation; but that the head of the department selected the persons whom he judged most fit for the duties they were called on to perform.

Subject dropped.

DUBLIN HOSPITALS.

Mr. GROGAN moved for the appointment of a Select Committee to inquire into the Dublin Hospitals, with the view of ascertaining whether it is not expedient to continue the grants made by the Government in aid of these charities. He would beg to refer to the report of a Select Committee appointed to investigate the subject in 1829, and which recommended the continuance of these public grants, in addition to the local voluntary contributions, as essential to the permanence and well-being of these public charities. Commissioners had also been appointed to inquire into the subject by the then Lord Lieutenant of Ireland, in the year 1842; and these Commissioners, after carefully examining the whole of these charities, gave it as their opinion that the grants should be continued to them undiminished in amount. As the grounds of this opinion, the Commissioners stated that grants were formerly regularly voted by the Irish Parliament, and that the Imperial Parliament bound itself, after the Act of Union (which had the effect of drawing away from Dublin the gentry and nobility upon whose private contributions these hospitals used greatly to depend), to continue to vote a sum amounting to the average of the grants annually voted by the Irish Parliament during the six years preceding its dissolution. These, in the opinion of the Commissioners, constituted the peculiar claims of the Dublin charities to be subsidised from the Imperial Exchequer; but in that year, 1847-8, the Committee which sat on Miscellaneous Expenditure recommended the gradual reduction of the grants 10 per cent per annum, with the view to their ultimate extinction. Now he believed that that Committee had come to an inconsiderate and hasty conclusion without examining sufficient witnesses; and that was the ground upon which he had to ask the House to reopen the whole question, and to send it for reconsideration to a Committee upstairs. [The hon. and learned Gentleman then made several quotations from the report of the Committee of 1847-8, in order to show that that report was based upon the evidence of only one witness.] He believed the Dublin hospitals would be broken up by the withdrawal of the public grants, unless their claims were again investigated by a Select Committee; and he expressed his confidence that, if his Motion were acceded to, he would be able to show the Government good reasons for abandoning their present course, and for reverting to the grants which were formerly voted by Parliament in aid of the Dublin charities. He wished to draw the attention of the House to the distinguished rank occupied by Dublin as a school of medicine, for the purpose of showing how desirable it was that these philanthropic establishments should not be suffered to sink into that inevitable ruin which an extension of the grants formerly enjoyed by them could alone avert. He admitted that a Commission in 1848 had recommended the gradual reduction of those grants; but he contended they had done so hastily, for there was not a word in the evidence laid before them to justify the recommendation.

Motion made, and Question put, "That a Select Committee be appointed to inquire into the Dublin Hospitals."

Mr. G. A. HAMILTON seconded the Motion. He regretted that the circumstances of Dublin had been gradually deteriorating since 1832, the citizens being overpowered by reason of the pressure of local rates; and he therefore hoped the Government would accede to the proposition for a Select Committee.

The CHANCELLOR of the EXCHEQUER said, if ever there was a subject fairly investigated, by several Committees, on several occasions, it was the subject then before them. If any hon. Gentleman required information on the matter, he had only to refer to the numerous papers on the table of that House relative to the subject, and then he could not fail to perceive that no additional evidence whatever was needed. It appeared to him, however, that the real object of the hon. and learned Member was to obtain an alteration in the reduced votes for these establishments. When he (the Chancellor of the Exchequer) referred to the various Committees' recommendations, he found that they were all but unanimous in recommending the gradual reduction of these grants, on which recommendations the Government was then acting. He should therefore resist the Motion, because he conceived it utterly needless to go into an inquiry which could not adduce further information than they at present possessed.

Motion put, and negatived.

POOR LAWS (IRELAND.)

Mr. F. FRENCH rose to bring forward the resolutions of which he had given notice with respect to the Irish Poor Law. He knew the subject was distasteful to the House in consequence of the apparently fruitless character of the numerous discussions which had already taken place. The frequency and insufficiency of advances of money by way of loan, the effect of which must be to diminish the employing capital of the country—the consciousness of English Members that, with the best intentions, Ireland had suffered much ill treatment at their hands—the apathy amongst the Irish Members, resulting from despair at the disregard of their many and various suggestions—rendered all parties more inclined to trust to time and chance to unravel the difficulty, than to apply their minds to its thorough comprehension, with a view to remedy it. The poor-law, on its introduction, was intended to ameliorate the condition of the Irish population. It was the object of the Government that that amelioration should be called into effect by means of the resources of Ireland; and it was also the object not alone of the Government, but of the Members representing English constituencies, that no further claim for the support of the Irish people should be made on the funds of this country. In each and all of these particulars this Bill had been a total and complete failure. He had opposed the present poor-law, and said it would be as useless in ordinary years as it would be inefficient in times of famine, and would tend to demoralise the people, and absorb, without any beneficial result, the entire capital of the country. Such was still his opinion, and subsequent experience justified every anticipation he had made. The measure was introduced on the assumption that the annual expenditure would not exceed 280,000*l.*; but last year it exceeded 2,167,000*l.*, whilst the causes of that increase were left untouched. Parliament offers a bounty on pauperism, and are yet astonished that paupers multiply; they cast an unlimited weight on property, and appear surprised at property being unequal to the burden. In England, when the 43rd of Elizabeth was 145 years in operation, the amount levied under it on an average of three years amounted to 689,971*l.*; but the reason of that was, that at that time the administration of the funds was left to the persons interested in them—the ratepayers and magistrates of England. In 1785, the annual value of England as rated to the land tax was 77,864,855*l.*, the poor-rate on which amounted to 2,100,000*l.*: about the same amount as was now paid by Ireland on a rental of nine millions. Had England been subjected at that time to a taxation such as was now forced upon Ireland, capital, intelligence, and industry would have fled from her shores, and she never would have risen to that pitch of prosperity she has since attained. The rate of increase in the expenses of the various poor-law unions in Ireland was most extraordinary. Among other instances he might refer to the Ballina union, where the expenses had increased in two years from 2,939*l.* to 52,282*l.*; in Ballinrobe, from 1,132*l.* to 37,653*l.*; in Castlebar, from 1,417*l.* to 27,000*l.*; in Clifden, from 612*l.* to 23,405*l.*; in Galway, from 2,926*l.*, to 33,810*l.*; in Kenmare, from 2,162*l.* to 12,663*l.*; in Westport, from 2,970*l.* to 27,418*l.* He knew that it might be said that this great increase was owing to the failure of the potato crop, and that the increased expenditure had been in a great measure defrayed by the various sums which had been advanced from time to time by this country, and more particularly by the loan of 8,000,000*l.* In addition, however, to that loan, there had been very large sums raised by other parties. The British Association had advanced 400,000*l.*, the Society of Friends 190,000*l.*, from other private sources not less than 200,000*l.* had been received, and the landed proprietors of Ireland had subscribed a sum of not less than 300,000*l.* The total sums expended for the relief of the distressed, including the remittances of emigrants, had not been less than 1,500,000*l.*, exclusive of the loan of 8,000,000*l.*; a million and a half, if properly administered, would have done more to relieve the distress of Ireland than had been accomplished by their overpaid staff of 15,000 officers. In 1822, a few hundred thousand pounds sufficed to stem the famine. 60,000*l.* of the money sent over to Ireland was returned, and with the balance of private subscriptions, the charitable loan funds were established. Such would have been the case in 1846, had not hasty and ill-timed legislation held up the property of the country for destruction. The truth was, the whole property of Ireland and the Exchequer of England were placed within reach of the Irish multitude, protected only by the slight barrier of the presentment sessions, and as a natural consequence, the former was grasped at and destroyed by immediate demands and the burden of a debt of five millions sterling, while the latter was permanently loaded with a sum not less than that amount. Had the policy of 1822 been followed, the resources of the time would have been made to bear the temporary exigency, and none of these results, ruinous to both countries, would have been known. His object in bringing forward the present Motion was not in any way to overthrow the system of the Government, but to mitigate its injurious effects upon the property of the country, to ameliorate the condition of the people, and to render the poor-law in Ireland more workable. Little as Ireland had benefited—much as she had suffered by the course which had been pursued, he was perfectly prepared to acknowledge that nothing could be more beneficent than the intentions of the Government in the measures which they had proposed, or more munificent than had been the conduct of Parliament in acceding to them. The resolutions of which he had given notice were first—

> "That it is the opinion of this House that no permanent system for the relief of the poor of Ireland can be carried out safely and beneficially to receivers and ratepayers, without a return to the principle of the original poor-law of 1838, by the strict application of indoor relief to all classes of paupers."

In support of that resolution, he would refer the House to the evidence of various officials of the poor-law in Ireland, and to the opinion of several Members of the Government, upon the injurious effects of the adoption of outdoor relief. He might fairly ask Her Majesty's Government why should a principle be continued which was admitted to be a wrong one, which no person ventured to defend, which had swamped the industrious classes, and spread pauperism indefinitely, and which, had the Bill of 1838 contained it, it would not have received the sanction of the Legislature. The earliest authority he would cite was the report of the Commissioners of Poor Enquiry, published in 1836:—

> "They could not recommend outdoor relief, a system which offered bounties to the improvident, and which, if introduced, would bring all down to one level, and the whole of Ireland would soon have to lean on Great Britain for support."

The view taken by the Poor Law Commissioners of this question might be judged from the following minute, contained in their sixth report in 1840, when a deficiency in the potato crop had produced great alarm and distress, scarcity of fuel was apprehended, and the necessity of outdoor relief urged on them:—

> "Thoroughly convinced of the sound policy of the Legislature in prohibiting all relief, except in the workhouse, the Commissioners cannot, in any way, sanction or encourage an application to Parliament, having for its object the abandonment of that resolution."

A Committee of the House of Lords, in 1846, gave, upon the fullest examination, a decisive opinion as to the danger and inexpediency of adopting such a system of relief. Mr. Gulston, an Assistant Poor Law Commissioner, long resident in Ireland—

> "States his conviction, that without a stringent workhouse test, the property of Ireland cannot bear the poor-law." He says, "There is a power of expansion in the present law as regards relief to the ablebodied, which is most mischievous; the application of the strict workhouse test affords the only possible mode of escape from the confiscation of a large portion of the landed property of Ireland: this is my confident opinion, derived from a long experience of the administration both in England and Ireland." He goes on to say, "The barrier once broken down, the flood of pauperism must inevitably overwhelm the whole property of the locality in which outdoor relief is attainable—Parliament ought to retrace its steps."

Mr. Otway, another Poor Law Commissioner, declares—

> "That, with the cessation of the exceptional case of famine, the practice of outdoor relief ought to cease, otherwise I do not think Ireland would be safe. I do not think the United Kingdom would be safe if the practice was continued beyond the exceptional case."

The frauds committed under this system are admitted by all the witnesses examined to have been most extensive as well as most dangerous. Mr. Power, the Chief Commissioner in Ireland, whose able and conciliatory administration of the law is universally appreciated, says—

> "When relief was authorised to be given to widows, multitudes represented themselves as widows who were not; if relief was to be given with respect to a certain number of children, children were hired to create a right under this order."

Captain Kennedy, a Poor Law Inspector states—

> "That amongst the most clamorous for outdoor relief in Kilrush were persons who were found to have large sums of money in their possession: single and deserted women applied for relief as widows, with children borrowed for the occasion: the absence of truth and honesty is most lamentable, and quite as painful to contemplate as their physical destitution."

Mr. Bourke, the Inspector for Connaught; Mr. Brett, and other public officers, give the same testimony. Colonel Clarke, speaking of outdoor relief, says—

> "Its effect is to demoralise the people: there is robbery, wilful perjury; and every vice that can be imagined follow in its train. I am firmly convinced the workhouse test is the sole salvation of the country."

Mr. Fairfield, an English witness, speaks to the great change which has taken place in the feelings of the peasantry— "There is no shame about receiving outdoor relief, and, shortly, I believe, there will be nobody who will not take it if they can get it." A friend of his (Mr. French) had lately pointed out to him in the market of Cork several persons disposing of cart loads of corn and potatoes, who, as long as outdoor relief was administered, were recipients of it, and only brought out their stores when it was discontinued; this was not a solitary instance, the practice was almost universal. Mr. Senior said, "If outdoor relief was introduced into Ireland, it would, in ten years, produce in that country, all the evils produced in this in three hundred, and would amount to an entire confiscation of Irish property." Mr. Gulston said, "Outdoor relief would rather aggravate than diminish mendicancy, and had no hesitation in giving his decided opinion that any approach to it would soon swamp the whole property of the country." Mr. Twisleton (the late Commissioner) said, "It would be a fatal step to introduce outdoor relief to the ablebodied paupers in Ireland." Mr. Nicholls stated, "that outdoor relief would not only diminish the value and destroy the security of property in Ireland, but would demoralise the entire labouring population." The Under Secretary for the Home Department says—

> "The introduction of outdoor relief into Ireland would be a most disastrous measure, however guarded the law might be—however trustworthy and intelligent the administration, it would in a few years absorb all the surplus produce of the soil, and deteriorate the condition of those persons for whose benefit it was introduced."

The Marquess of Lansdowne declared outdoor relief to be a system of vicious character, which, if adopted, must tend to the confiscation of property in Ireland. Earl Grey said, if the rate went up to 2*s.* 6*d.* in the pound, he should despair of the country. The noble Lord at the head of the Government stated that such a law, in place of relieving the miseries of Ireland would tend to perpetuate them. The right hon. Baronet the Member for Tamworth stated, the only hope of the poor-law working was, by abolishing this system, and returning to the provisions of the Act of 1838. Even during the present Session, on the occasion of Lord Desart's Motion, Ministers alleged they did not attempt to justify this measure, and could only excuse it on the plea of necessity. Had the condition of the people been improved by this law? Let the report of the Committee of the Society of Friends say:—

> "The health of the people is not maintained—their physical strength is weakened—their mental capacity is lowered—their moral character degraded. Many families are suffering extreme distress, who, three years since, enjoyed the comforts and refinements of life, and administered to the necessities of those around them. The flood of pauperism is evidently more and more engulphing one class after another, rising higher and higher in its effects on society, until it threatens to swallow all ranks and classes within its fatal vortex. The sinking condition of the parties hitherto contributing to the relief of distress, applies to every class; and Mr. Bewly declares he cannot see any other than that the condition of the country will continue rapidly to grow worse."

Mr. Otway says, that if the present state of things should continue, he anticipated a complete confiscation of property — the throwing the land out of cultivation—and the ruin both of occupiers and proprietors; from which melancholy condition, he infers, not only Ireland but the united kingdom itself would not be safe. The opinions of the Catholic clergy may be judged from the Vicar of Galway's evidence. The Rev. Mr. Daly says—

> "Under the administration of outdoor relief

> the people have died in thousands, and have suffered calamities it is scarcely possible to conceive; outdoor relief does not save the lives of the people, and is the most destructive system to their morals that can be conceived."

Let them ponder on the testimony lately given by a Catholic clergyman from Donegal, who says—

> "I have seen men unstricken by disease, sink by the agonising death of famine into a premature grave; I have seen the strong and the stalwart labourer, the prop of his family, beaten down by weakness and paralysed from long and bitter days of famine; I have seen a mother and child, the aged and the young, alike withering off the earth from sheer hunger, in the face of this mis-named hollow and miserably inefficient poor-law."

After testimony such as this, would any person venture to assert the people were interested in the maintenance of such a law? If you allow this state of affairs to continue, Ireland would not be the only sufferer, the words of your own Commissioners would shortly be realised—"the whole of Ireland will have to lean on Great Britain for support."

Mr. Reade, writing to me from Scariff, says—

> "This union is valued at 21,000*l*. a year. The number of indoor and outdoor paupers amounts to 5,600, and the establishment charges alone were augmented by the vice-guardians from 2*d*. to 2*s*. in the pound in one year. I have had an estimate made of the probable expenses of each electoral division for the ensuing year, and with the exception of two, where the rate will be only 5*s*. 6*d*., the others will all vary from 11*s*. to 1*l*. 11*s*.—the average being from 17*s*. to 18*s*.—to levy which would leave this miserable union a complete waste. Surely no Government could carry on a system actually amounting to confiscation."

The following letter would show the reliance to be placed on returns furnished to the House. It was written by one of the most intelligent men in Ireland—Vice-Chairman of the Union of Castlerea—on seeing a return stating that no rate had been levied in the electoral division of Ballymoe in the past year:—

> "With respect to the Ballymoe division there was a 3*s*. 11*d*. rate struck at the end of 1848, and a 3*s*. rate in March, 1849, making 6*s*. 11*d*. I have a farm in that division which only yields me 40*l*., on which I paid 13*s*. 10*d*. in the pound poor-rate. No Legislature has a right, under any pretence, or for any purpose, to impose such a burden as would break down society; no despotic Government dare do it, and its effect is marked under English rule—by the flight of the population from such gross oppression and wrong. We cannot obtain any information in reference to the accounts of contractors with the Castlerea union, during the time of the late vice-guardians: we are obliged to ask them what remains due to them, and to take their words for the state of their account; the vice-guardians left our union in a deplorable condition. In the Boyle union, I see by the papers, there are nine relieving officers paid 355*l*. a year for distributing 1*l*. 14*s*. 1¾*d*. weekly. The proportions are nearly the same everywhere."

[The hon. Member read several letters to the same effect from different parts of the country.]

Here was a system condemned by the chief Members of the Government and Legislature; denounced by those charged with its administration, and manifestly useless for its professed purpose. Would Parliament continue that system?

The second of the resolutions which he intended to propose was—"That the system of appointment of vice-guardians with unconstitutional and unlimited powers of taxation has proved most objectionable and should be forthwith abolished." Vice-guardians would not be submitted to in England, vesting, as the system did, the power of taxation in the hands of irresponsible persons named by Government, separating classes of society, disusing from the conduct of public affairs that class of persons without whose exertion no safe administration can be relied on. If this unconstitutional appointment of vice-guardians had been made for the purpose of preventing either jobbing or extravagance, it had certainly been a most extraordinary failure. The following increase of debts under the management of vice-guardians had taken place in—

Listowel—in one year from	£5,472	to £12,881
Balliurobe	3,232	8,507
Castlebar	3,876	8,791
Clifden	564	6,898
Galway	7,492	12,315
Newcastle	4,986	10,206
Scariff	5,998	11,603
Tuam	4,064	11,368
Kilrush	2,170	12,834
Innistymon	1,030	12,992
Ballina	2,438	21,444

The merits of their administration might be judged from the way they left the unions entrusted to their care. In Scariff, such was the state of the house that, in the probationary wards, 23 persons were seized with fever in one night. There was a deficiency of food and clothing for the paupers, and frequently neither bread nor milk for the sick in hospital, who also lay in unlighted wards, and without linen. In Mohill, the vice-guardians were in the habit of signing blank cheques without any entry being made on their minutes, of payments of money. They violated the law at their pleasure—did not exhibit the books as they were bound to do for the inspection of ratepayers—these books were so irregularly kept as to be useless—the warrant for the collection of rates was signed in the gaol of Carrick, and not in the board-room of Mohill, as one of the vice-guardians was a prisoner for debt. In Carrick-on-Shannon, the contracts entered into by the vice-guardians were of the most extravagant nature; after wasting the funds of the union, during their administration, by the grossest negligence, they attempted, and but for the interference of the Lord Lieutenant would have succeeded, to continue the exorbitant expenditure by entering, just before leaving office, into contracts to bind their successors. One of the vice-guardians was in the habit of dealing for his own necessaries with those contractors, and when his official duties terminated, he was processed by four of them, and left Carrick without paying his rent. The books were so kept that 196 persons' names were on them, and for whom rations had been drawn for six months when not one of them were in the house. The coals and provisions were constantly delivered short of weight. The milk was a spurious mixture, the contractors had no cows. The straw in the pauper beds was unchanged for seven months, and filth and disorder had accumulated to a frightful degree. 4,372 articles of clothing and furniture were missing, and to prevent infection, clothing, to the value of 60*l*., had to be burned. [The Hon. Member referred also to abuses in Listowel, Boyle, Castlerea, &c., &c.]

The third of his series of resolutions was—

> "That the present system of the administration of the Poor Law in Ireland is unnecessarily extravagant, unsuited to the diminished resources of that country, and tends considerably to the demoralisation of the people."

Upon that point it was unnecessary for him to detain the House, as the noble Lord who would follow him would have an opportunity of going more fully into the subject. He would therefore only briefly call the attention of the House to the numbers relieved, to the cost, and to the progressive and rapid increase of both.

In 1849, the Poor Rate was £2,177,693, divided thus—	Indoor Relief	£797,294
	Outdoor	679,604
	Establishment charges ...	700,752
Number Relieved	Indoor	932,284
	Outdoor	1,210,482

In 1846,	the Expenditure was	£435,000
1847,	....	803,684
1848,	....	1,835,310
1849,	....	2,177,693

These sums were collected from the country, with the exception of aids from the national Exchequer, amounting

In 1848,	to	£242,577
1849,	"	310,660

How is the outlay to be met in future? There are no longer to be public grants—a paltry rate in aid of 6*d*. in the pound, to be wrung out of the resources of unions not yet completely pauperised, is all that is to be depended upon.

His last resolution was—

> "That it is unjust to throw on one species of property, and that the most suffering, the entire support of the poor in Ireland."

There could not be, he apprehended, any diversity of opinion as to the injustice of such a system, and such was its expensive character, that he believed even if the Society of Friends, with all their practical and frugal habits, or gentlemen belonging to the Manchester School, were to become possessed of land in Ireland, they would eventually sink under the baneful effects of a system which imposed upon landed property the entire burden of carrying out the poor-law. By the Act of 5 and 6 Vict., c. 92, this burden upon land had been increased to an alarming extent, and holders of tenements rated under 4*l*., to the number of 533,000, had been relieved from all care with respect to the economical management of the poor-law by the transfer of the incidence of their rates to the landed proprietors. This latter change in the law, he would say, was the true cause of the numerous evictions which had scandalised the country, but which were the inevitable and patent result of a system so contrary to sound policy and the good of the poor themselves. The selling of the land in cases of non-payment of the poor-rates was also a system which did not exist and never could be tolerated in England. It was opposed to the first principles of political economy, and was neither more nor less than the payment of current expenses out of capital. He regretted not to see the Chancellor of the Exchequer, eminent as he was as a professor of political economy, in his place to expound this paradox in his science: he supposed it was only explicable on the principle of its being applied in Ireland. But he complained of sins of omission as well as those of commission on the part of Her Majesty's Government. No measures for the employment of the people, such as were declared essential for the working of the poor-law by Mr. Nicholls, and promised by his noble Friend, had yet been introduced; no steps had been taken, or were about to be taken, to carry out any of the remedial recommendations of the Committee of last Session. To one of those he would more particularly allude. It was—

> "That where the ratepayers of any district within an electoral division voluntarily undertake to support a number of poor, to an amount of a fair proportion between the value of such district, and the number of poor and valuation of the electoral division, and fulfil such undertaking to the satisfaction of the guardians and the Poor Law Commissioners, they shall be exempt from any other rate than that for the charges of the union establishment."

Had the principle of this recommendation been acted upon, hope would have been roused in the minds of many proprietors now crushed by the weight of their neighbours' distresses in addition to their own; employment would have been stimulated, and the burden of the poor-rate generally lessened throughout the country.

In fine, the sum of his argument was, that all experience demanded that at least Ireland should be relieved from the evils that had been superinduced upon the poor-law of 1838—evils which, he contended, were but a continuance of those which from the days of the Plantagenets had been imposed in various shapes upon Ireland by England. The policy had ever been, when the latter country was dealing with the former, to violate justice, to trample upon rights, and to disregard all interests that appeared to be inconsistent with those of England. In the course of that policy, ills had been inflicted to which the quaint description of Baron Finglass was as applicable now as in the reign of the third Edward—"They would destroy Hell itself, if they were used in the same." He would conclude by quoting a passage from a recent number of a journal, which was supposed to express the opinions of those in whose power it was at the present moment to mitigate these great evils. The *Edinburgh Review* thus spake:—

> "Although much of the distress of Ireland arises from famine as a primary cause—yet its formidable intensity—its extension, and the risk of its perpetuation, are occasioned mainly by ill-considered, though well-intended laws. In a country where real property constituted even in the most prosperous times 13-20ths of the national wealth, such property has been depreciated from 60 to 40 per cent, whilst taxation has increased in a still more alarming ratio. In a country where house property is lamentably deficient—rates thrown exclusively on the landowner, even in cases in which no rents are paid—has produced the destruction of innumerable houses—the same measures have led to the eviction of tenants, and the multiplication of paupers over districts where insecurity and wretchedness have been amongst the most active causes of crime, thus adding to those lamentable causes and fatal effects. Capital and industry are forcibly driven out of a land which the better description of emigrant farmers quit in despair. Incumbrances have been largely created by Act of Parliament—even upon well-conditioned estates—the accumulation of uncollected rates cast on the land as a primary charge—the owners rendered liable for debts not contracted by themselves, but by others, has brought the rights, and almost the existence of property into danger. In a community where the increased production of food and increased demand for labour were most required, our laws have converted hundreds of thousands of acres into desolate wastes, and where the want of a resident gentry was most complained of, a widely-spread insolvency has been extended among that important class. If we persevere in a course condemned on its introduction by the authority of science, and now unequivocally condemned by subsequent experience, we may live to see a country within four hours' sail of our shores, and in 1841 containing a population of eight millions, become by degrees one great pauper warren, our burden and our reproach, and the most pressing danger to the prosperity of the empire."

Motion made, and Question put—

> "That it is the opinion of this House, that no permanent system for the relief of the poor in Ireland can be carried out safely or beneficially, to receivers or ratepayers, without a return to the principle of the original poor-law of 1838, by the strict application of indoor relief to all classes of paupers.
>
> "That the system of appointment of vice-guardians with unconstitutional and unlimited powers of taxation has proved most objectionable, and should be forthwith abolished.
>
> "That the present system of administration of the poor-law in Ireland is unnecessarily extravagant, unsuited to the diminished resources of that country, and tends considerably to the demoralisation of the people.
>
> "That it is unjust to throw on one species of property, and that the most suffering, the entire support of the poor in Ireland."

Lord NAAS, in rising to second the resolutions, said, that he was prepared to admit, to the fullest amount, the improvement that had taken place in Ireland with regard to the working of the poor-law. He rejoiced in that change, and was willing to give every praise to those through whose exertions that beneficial change had been effected. But still he was bound to say that the state of the laws relating to the relief of the poor was far from being satisfactory to the people of that country. He must remind the House that the improvement manifest in some respects was the result more of a comparative mitigation of misery than an absolute return to prosperity. The mere assuaging of almost intolerable agony must not be mistaken for an actual restoration of health and strength. He believed the system of outdoor relief could not be continued with any safety to the country. He could add little to the weighty arguments of the hon. Mover on this subject; but he must beg the House to recollect that this system had been condemned by officials and statesmen, as well before as after its passing into law. The noble Lord at the head of the Government, the right hon. Members for Tamworth and Ripon, Messrs. Twisleton, Nicholls, Seymer, Power—every man connected with the administration of the law—had concurred in saying that it was unsuited either to the character or resources of the Irish people. Many might say that this Motion was ill-timed—that, because outdoor relief had immensely diminished, there was no occasion to take legislative measures to extinguish it. He could not concur in that opinion. When popular feeling was still set against it, when boards of guardians, ratepayers, and commissioners, all condemned the practice, then was the time for the Legislature to step in and withdraw a power so universally disapproved of—and indeed he would read to the House extracts of a letter, to show how dangerous was the power—how, as long as that power remained, it might be made a fertile source of agitation; and how the evil-disposed might, for the worst purposes, place such a pressure on boards of guardians, that they would be unable to resist the demands of affected distress. A chairman of a union in one of the most distressed districts wrote thus. The letter was dated during the last month:—

> "There was a desperate attempt made to force us to give outdoor relief promiscuously as of old, and a pressure was kept up for some weeks—six or seven—of the most embarrassing nature. The applicants in one week amounted to two thousand, or near that number; and they were so far taught their work, that they accepted the house almost universally when offered as a test; and though we all felt that at least nine-tenths were not in want, it was impossible from out of the list of ragged (and sometimes even painted) applicants, to discriminate the really distressed. We gave way; but the commissioners very wisely and sensibly refused to give outdoor relief. They saw more clearly at a distance than we did. Their answer was excellent. They would send us money to fit up more workhouses, but not to give outdoor relief. This stopped the imposture, and in three electoral divisions we have stopped outdoor relief, by ordering in the paupers on outdoor relief—doing one electoral division at a time, so that no combination could be got up. Now, we have every board day a number of imposture cases of illness to get outdoor relief; and cases have often, or at least not seldom, occurred in which they have feigned sickness, and received extreme unction, and on the doctor visiting them next day after their getting outdoor relief, he has found them working on the farm which they still held."

This would be sufficient to show to the House, in a far stronger manner than any remarks of his, how great was the peril of continuing the power that might be used for such fatal purposes. Now, with regard to the vice-guardians, he would quote unanswerable instances of the gross misconduct of those persons, but would not weary the House with them. He would merely take the total return of the financial state of the thirty-nine unions, whose affairs had been entrusted to the care of those persons:—

Return of the Amount of Debts, Claims, and Liabilities (exclusive of those owing to Government), against each of those Thirty-nine Unions:—

At the commencement of the month in which elected board of guardians was dissolved ...	£134,152	0	0
Commencement of month in which administration by paid guardians terminated	258,635	0	0
Increase of debts, claims, and liabilities during the administration of paid guardians	£124,483	0	0

Now, though he would fully admit the necessity that existed in many instances for the appointment of these officers, he believed that the Commissioners were much to blame in not instituting a more rigid inspection into their conduct. Their case was very different from an elected board; they were raising and distributing monies in the economy of which they had no personal interest, they were responsible to no power but to the Commissioners; and it is a cause of serious blame to that body that they allow such gross abuses to exist, without attempting to exert any real control over their own officers. The 3rd resolution was one which he thought almost as important as any. He believed that the principal object of a poor-law was to relieve those persons who from bodily afflictions, sickness, the absolute impossibility of obtaining employment, were deprived of the power of obtaining the common necessaries of life. But there was an ulterior object, that he believed a well-regulated poor-law might be capable of effecting, namely, the amelioration of the general condition of the lower classes of the people. In the first object, the Irish poor-law had very partially succeeded—in the second, it had utterly failed—nay, more, its whole tendency had been in the opposite direction; a cessation of industry, a want of self-reliance, a general demoralisation of the people had been caused by the working of the present law. He admitted that this was in many respects the effect of the law itself; but with regard to one class, and that the most helpless one, he thought that much blame attached itself to the commissioners for this disregard of circumstances that are well known to all. He alluded to the contamination to which the children in the workhouse were subject. In Ireland at present there were 119,000 children, under the age of fifteen, in the different workhouses; up to that age, he believed, they were pretty well instructed and cared for, but on attaining the age of fifteen they were indiscriminately drafted among the ablebodied of both sexes; and the result was that they were brought into constant contact with the worst characters—the effect of this upon the girls was awful to contemplate. He must, even at the risk of wearying the House, read some communications he had received on this subject. A Roman Catholic priest, the chaplain of a workhouse, in one of the best unions in Ireland, wrote as follows:—

> "There have been instances, in the past year, where some females of the worst class who had left the house, again obtained admission, for the purpose (as was ascertained) of inducing young girls to leave the workhouse, to follow their own wicked course of life."

Again, a gentleman who had been most successfully engaged in administering the affairs of a southern union, writes—

> "It has been often reported to me by the relieving officers of Waterford that young females have been induced by some of the bad characters in the house to leave, for the purpose of going on the town. I have no doubt that this has frequently occurred; but the evil consequences of contamination by such society cannot be denied. In former years the evil was not so great as at present, the majority of the inmates being of the lowest class, but of late a very different class have unfortunately been obliged to avail themselves of the shelter of the workhouse; and it is now melancholy to see persons who had been in comfortable circumstances obliged to associate with the refuse of society. I fear this will increase."

But the most appalling account of this, the worst feature of the poor-law, is given by a gentleman of well known philanthropy, a gentleman who has devoted much time and attention to the administration of the law, I mean Mr. David Charles Latouche. Mr. Latouche says—

> "If the destruction of all self-respect and decency were the end professed and aimed at, more effectual means for that purpose could not be adapted than those at present practised—I speak especially of the union I am best acquainted with, the South Dublin union, where, although we possess the advantages of good officers, and particularly of a very conscientious and active matron, the demoralisation, especially among the young women, is frightful; it cannot, indeed, be otherwise, when it is known that the young girls, inmates of the workhouse, whenever they attain the age of fifteen years, are drafted, by order of the commissioners, amongst the ablebodied women, who are almost all prostitutes: and a continued circulation, from the workhouse to the brothel and streets, and back again to the workhouse, is thus kept up in a vicious circle of increasing profligacy. There are about 1,000 children in the South Dublin union, the girls each in their turn undergoing this dreadful process."

This is a subject demanding the instant attention of Government. The class so exposed are perfectly helpless: they are principally composed of orphans and of children deserted by their parents, always with the brand of poverty, and frequently of illegitimacy, stamped upon them. They have been guilty of no crime—in no way responsible for their helplessness; they have been, by misfortune, made the children of the State, and the State has taken the best course to ensure their temporal and spiritual ruin. He would earnestly implore the Government to look to this before it was too late; the commissioners have refused to know any distinction among paupers, they resist any attempt at classification. Virgin innocence and the most degraded prostitution are by this system treated alike, and the result is, the loss, for time and eternity, of thousands of the most helpless of our fellow-creatures. He would now inquire very briefly at what expense this system was carried on, and it would be well that English Gentlemen would consider the startling facts he was about to adduce. In 1845, the second year of the poor-law, the poor-rate for the whole of Ireland amounted to 316,025*l.*; in 1849 it was 2,177,650*l.* But he would take two years—1845 and 1848—as it might be said that the last year was the worst, and that it was not likely we should see such another; and here it might not be out of place to show what the whole local taxation of Ireland was during those years. In 1845—

The Grand Jury Rate for Ireland was	£1,149,898
The Poor Rate was	316,025
Total	£1,465,923

In 1848—

The Grand Jury Rate was	£1,241,854
The Poor Rate	1,835,310
Total	£3,077,164

making an average poundage on the first year of 2*s.* 2½*d.*, on the last mentioned year, of 4*s.* 8*d.* on the valuation of thirteen millions of 1841; but assuming the value of rateable property to be reduced to ten millions (though most people thought it was much, really much lower,) the poundage would be increased to 6*s.* 2*d.*, or nearly one-third of the rental. Now, take the case of England for the same year, 1848—

The Poor Rates amounted to............	£6,180,765
Highways and County Rates to.........	1,750,000
Total...	£7,930,765

or a poundage of about 2*s.* 4½*d.* on the value of rateable property of 67,000,000*l.* So that in point of fact Ireland pays in local taxation 6*s.* 2*d.* in the pound, England 2*s.* 4*d.* There is this difference between this calculation and that made by the Earl of Rosse—that his Lordship took his from the value of English property rateable to the income tax, while this has been taken on the property rateable to the poor. He (Lord Naas) had, he thought, now shown a sufficient cause why the House should agree to these resolutions. His whole object was a return to the principles of the law of 1838. He wished not to overthrow but strengthen the poor-law. With all its imperfections, he would rather have the present poor-law than none at all; but let not that House show any indisposition to assist those who were using their best endeavours to administer rightly the provisions of the law; let the House show by its vote to-night that it is not unmindful of the great difficulties in which the people are placed; let the Legislature do its duty, and he would answer that the Irish people would do theirs.

SIR W. SOMERVILLE said, it was impossible to deny the importance of the Motion under consideration, but undoubtedly the subject was not one to which the House had shown itself in any way indifferent. A Committee had sat upon it last Session, which continued its labours for several months; and the whole of these resolutions received at that time the most ample consideration. Subsequently, also, when a Bill was brought before the House embodying certain of them, many, if not all of these subjects, were again fully debated in the House, and a decision pronounced upon them. The hon. Gentleman who had introduced the Motion had admitted that he was opposed altogether to the system of poor-laws as they existed in Ireland, and therein he differed from the noble Lord who had followed him; but he had been particularly urgent in his condemnation of the system of outdoor relief, on account of the expense on the country, and the demoralisation to which it exposed the pauper. His hon. Friend, however, had omitted to tell the House in what way the lives of the people were to be, or could have been, preserved without the administration of outdoor relief during the calamitous years the country had lately gone through. He (Sir W. Somerville) was no admirer of outdoor relief. He would not administer it except under the pressure of the most overwhelming circumstances; and at the present moment there was not a single outdoor-relief order in existence in any union in Ireland. He found from a statement on this subject, which he held in his hand, that there were relieved in the week ending the 12th of May, 1849, under the first section of the Act, which authorised the distribution of outdoor relief at the discretion of the board of guardians, 513,908 persons, and in the corresponding week of 1850, under the same section, 125,215 persons, showing a decrease of 388,693. That, he thought, was a very satisfactory result, so far as the exertions of the boards of guardians were concerned; and he must say, that they were conducting the affairs of the unions at this time with a spirit and energy which had not been the case heretofore, and from which he anticipated the most salutary results. There were relieved under the second section of the Act, which applied to the able-bodied poor, in the week ending the 12th of May, 1849, 168,050 persons, and in the corresponding week of 1850 only 102 persons, being a diminution of 167,957. The total charge for outdoor relief in the week ending the 12th of May, 1849, had been 17,433*l.* 19*s.* 2*d.*, and in the corresponding week of the present year, 2,693*l.* 16*s.* 8*d.*, showing a diminution of 14,740*l.* 2*s.* 6*d.* In indoor relief there had been a slight increase. On the 12th of May, 1849, there was workhouse accommodation for 247,225 persons, and on the 11th of May of this year for 280,366, showing an increase of 33,141 persons; and the actual increase in the number in the workhouses was 35,967. The decrease in the total expenditure of the quarter ending the 31st of December, 1849, was 122,019*l.*, and of the quarter ending the 30th of March, 1850, 197,427*l.*, showing a total decrease in the expenditure for the six months ending March 1850, as compared with the same period of 1849, of 319,446*l.* He thought, therefore, that he was warranted in saying that the expenses of the poor-law were rapidly diminishing. At the same time, he had the satisfaction of stating to the House that the sanitary condition of the workhouses had much improved, whilst the weekly cost of maintenance had been diminished. The average weekly cost per head, exclusive of clothes, which, in May 1849, had been 1*s.* 2¼*d.*, had been reduced in May of the present year to 1*s.* per head. Concurrently also with this there had been a great diminution in the mortality, the deaths averaging, in May 1849, 11 per thousand, and in the corresponding week of the present year only 5 per thousand. He repeated, that the necessity of the case alone was that on which he justified the practice of outdoor relief; but as his hon. Friend had failed to state how he would provide for the poor in the case of a calamity such as that of the last few years, he did not think it desirable to adopt the course which his hon. Friend had recommended. He believed that it would lead to no useful end; and therefore he thought the House would act wisely in refusing to sanction the first resolution. With regard to the second resolution, relative to the subject of vice-guardians, he might mention that there existed at present in Ireland no vice-guardians; and he admitted that the system of appointing them should not exist, except under the pressure of the most absolute necessity. He thought it due, however, to the gentlemen who had held that most difficult and responsible office, to trouble the House with one or two observations upon this part of the subject. And, in the first place, he must say, that a comparison of the liabilities of a union when they entered office with the liabilities when they quitted it, afforded no proof that they had discharged their duties in an unsatisfactory manner. It was quite true, as had been stated, that in 35 unions the liabilities had increased during their tenure of office from 115,010*l.* to 225,317*l.*, being an increase of 110,307*l.* That was true; but the fact of vice-guardians having been appointed was a proof, in the first instance, that they had a very difficult task to perform, for it was to the most distressed and worst-conditioned unions that they were always appointed. Moreover, that expense had been principally incurred in providing additional workhouse accommodation, of which the restored boards of guardians were now reaping the benefit. In addition to this, he found that in 10 unions where there were no vice-guardians the liabilities had increased in the same period from 27,252*l.* to 101,051*l.*, being an increase of 73,799*l.* in 10 unions—a much larger proportion than an increase of 110,307*l.* in 35 unions; still he did not say upon that account that the affairs of those unions had been maladministered. It only showed what difficulties those who administered the poor-law had to encounter during the calamitous period to which he had referred. His hon. Friend had not insisted much upon his third resolution. His noble Friend the Member for Kildare, however, had dwelt upon the demoralising effects of the workhouses in Ireland, and in that respect had somewhat contradicted the hon. Gentleman who made the Motion, who was altogether for workhouse relief, and no other. With respect to the alleged demoralisation, he was quite sure that his noble Friend had proceeded upon what he conceived to be reliable authority; but he (Sir W. Somerville) could not help thinking that the evils had been greatly exaggerated. With respect to the last resolution, "That it is unjust to throw on one species of property—and that the most suffering—the entire support of the poor in Ireland," he begged to say, that that was a question which last year underwent a very long discussion in that House, and the Bill, as it now stood, had received the deliberate sanction of the House. He thought, therefore, that after so recent a discussion of that question, it was unnecessary to enlarge more upon it at present. He hoped he had said enough to show the House that they ought not to affirm the resolutions of his hon. Friend. They would lead to no practical result; and he thought they ought to wait a little longer, until they had had an opportunity of judging of the result of the recent changes which the Government had made, and were still making, in the administration of the poor-law in Ireland, before they placed upon the Journals of the House a series of resolutions condemnatory of the existing system.

COLONEL DUNNE said, that his right hon. Friend the Secretary for Ireland had stated that this subject had already been repeatedly debated. He admitted this to be the case, but the importance of the matter fully justified him in again bringing it before the House. He had marked the perfect indifference with which this question had been treated by the Treasury bench, and other parties in the House. On a late occasion, on a Motion of great importance to Ireland, the Ministry in general quitted the Treasury bench, and left the Irish Members to debate the subject with the Irish Secretary; and most of the English Members followed their example. Now he (Colonel Dunne) had no objection to debate subjects exclusively Irish with the Secretary for Ireland and his colleagues from this country, but he must protest against a practice of the Ministry and its adherents absenting themselves from a debate, and then coming down to the House and overbearing the decisions of Irish Members, an interest exclusively their own, by an unscrupulous majority. If this was the case now, while they had a Lord Lieutenant and a separate Administration, what must they expect when the proposed change took place, and a fourth Secretary of State, resident in London, was appointed to take upon himself the administration of Irish affairs? It had been asserted that the object of the Irish poor-law was threefold: first, to promote the amelioration of the condition of the people of Ireland; secondly, that this amelioration should be effected by means of the resources of Ireland; and, thirdly, that they should not come upon the resources of this country for the maintenance of the Irish poor. If the Irish poor-law had succeeded in these three objects, it might have been asserted to have been a successful measure; but it had notoriously failed in every one of them, and the condition of the people of Ireland was worse now than it was before the introduction of the poor-law. It was possible that by its operation the lives of some might have been saved; but it had reduced large numbers to a state of beggary. In his opinion, the resolutions of his hon. Friend did not go half far enough to meet the evil; but still their adoption might lead to a beneficial change. He denied the position taken up by the right hon. Secretary for Ireland, that the increase of debt in the unions under vice-guardians was no proof of mismanagement, for he would assert that half the debt of Ireland arose in those 35 unions to which vice-guardians had been appointed. The enormous expenditure attending the administration of the poor-law had never been sufficiently discussed. By the returns he found that the indoor relief had amounted to 797,294*l.*, and the outdoor relief to 699,604*l.*, while there were establishment charges amounting to 700,750*l.*; so that the last charge literally amounted to nearly the sum for actual relief in food and clothing given within the workhouses. Before the recent calamities fell upon Ireland, the estimated rental was 13,000,000*l.*; but according to the opinion given last year before the Lords' Committee by Mr. Griffith, it had been reduced to 9,000,000*l.* There was about 6,000,000*l.* in debt, and taxes of various descriptions, of which 4,000,000*l.* must be deducted from the 9,000,000*l.* rental. Then, if jointures and mortgages and all other incumbrances were considered, there was not enough left for the support of the gentry, the farmers, and at the same time to provide employment for the poor in Ireland; and it was therefore a most unjust inference from the facts to say that the entire burden of the poor-law should be borne by the land. If the House wished to preserve the poor on Irish soil, they must allow Ireland to use her own resources and means; but in no one instance were the people permitted to take the administration of their own affairs into their own hands. Now, these resolutions were not formed from any peculiar views of the hon. Member for Roscommon; they had been long since put forward and assented to by a majority of the Irish Members. The first resolution proposed by the hon. Member was actually taken from the report of the Lords' Committee, which report was signed by seven of the Ministry, of whom five were in the Cabinet. The Prime Minister had recognised its necessity, yet refused to give it his assent. For himself, he would be most unwilling to withdraw any relief from the poor if he did not at the same time afford them the means of supporting themselves by employment; but he felt assured that a system of employment would be desired which would increase, not diminish, the resources of the country; the second had been admitted to be just by the noble Lord at the head of the Government; and he did not even attempt to deny that the power of unlimited and irresponsible taxation was unconstitutional and objectional. He could not deny that the paid guardians had in many, if not in all, instances exercised this power most injudiciously and destructively. The reports placed on the table of the House, the indebted state of the unions over which they had been placed, and whose affairs they managed in the most ruinous manner, and the unanimous opinion of the Irish Members, and still more of the Irish people, fully bore out the second resolution of his hon. Friend. But while the noble Lord made these admissions, the noble Lord refused to assent to the clause empowering the appointment of paid guardians with powers which he admitted were unconstitutional. He told the House that the Commissioners did not now appoint paid guardians, and seemed to think this ought to satisfy Irish Members; but it would not satisfy Irish Members, and they insisted on removing from the Statute-book a power to appoint these officers who had exercised their functions so destructively to the interests of the country. And as to the third, no one could look over the papers without being convinced of its truth. He (Colonel Dunne) had pointed out the relation of the cost of management to the actual relief afforded in the workhouses; and it would be seen that they were not far from equal. Could this wasteful expenditure continue even in the richest country? If not, how must it overwhelm one of the poorest? The fourth resolution affirmed the injustice of placing the burden of this monstrous expenditure on one species of property, and that property now the most depressed in value. The owner and occupier of land suffering from the late visitation of Providence, from the low prices consequent on recent legislation, were obliged to pay the mortgagee and other creditors the full amount of their demand, and to be saddled with a new and enormous tax from which they were exempt. He confidently hoped that the resolutions would be sanctioned by the House. Every English Member who thought that Irish property should support the Irish poor, ought to support these resolutions. If the Irish people were prevented from cultivating their own resources, how could the House stay the Government from coming down for fresh grants, as the result would be if things went on as they were, for there would be nothing produced from Irish resources, and the Government must draw on English resources, or leave the starving people to destruction?

Mr. S. CRAWFORD said, that the first resolution called upon the House to return to the strict application of the principle of indoor relief. The law of 1838 was called a law for the relief of the poor, but it prohibited outdoor relief under whatever circumstances of distress. Now his opinion was, that any poor-law which prohibited outdoor relief was a mockery and a delusion, and he could not contemplate the idea of a return to the original poor-law of 1838, which by its inhuman limitation would have left the people to starve under the late calamity. He could not, therefore, affirm that resolution. And what had occasioned the enormous expenditure alluded to in another resolution—what caused the potato famine to operate with such excessive severity? It was because Ireland was prepared for that calamity by the treatment she had previously received under the relations of landlord and tenant law, which had reduced the people to be dependent on the lowest class of food. When the relations between landlord and tenant gave to the people a general security for the reward of their labour, then there would be no pressure upon the poor-rate, and the House would see Ireland improved, and her people employed. He acknowledged there had been mismanagement in the relief of the poor, in not employing them on profitable works, and that the expense of administration might have been reduced, if those who administered had applied themselves to rendering pauper labour more remunerative. The second resolution referred to the appointment of vice-guardians as unconstitutional. Vice-guardians might possibly have been appointed in many places contrary to the principle of the poor-law, and in violation of the constitution; but he would not assume that there were no extraordinary cases in which it was not necessary to take that step. The last resolution, alleging that it was unjust to throw the entire support of the poor of Ireland on the most suffering property, was not correct, for the manufactures and trade in towns paid their share. With these views he would not support the proposed resolutions.

Mr. P. SCROPE said, the real question was, how the poor could be most efficiently supported consistently with the safety of the ratepayer. Under the Act, which declared that no relief should be given except within the walls of the workhouse, there was no protection for the lives of the poor, hundreds and thousands of them perished every year, until the Act of 1847 was enacted, it having become manifest that no alternative remained other than the adoption, in certain cases and to a certain extent, of outdoor relief. There was the question, too, whether, even under ordinary circumstances, outdoor relief was not, in certain cases, preferable to indoor relief. The noble Lord the Member for Kildare admitted that the introduction of juvenile paupers, especially of females, into workhouses, was most demoralising. When his right hon. Friend the Secretary for Ireland spoke of the reduction in the weekly cost of the paupers, he had somewhat heedlessly, perhaps, interposed a remark that this reduction might have some connexion with starvation. It did not follow that he had meant absolute starvation. In some unions in Ireland the poor had been fed upon turnips and a very small ration of meal. But were the other arrangements of the workhouses, besides the amount of food given, such as insured the comfort of the inmates? A return had been delivered that morning, containing a report made to the guardians of the Castlebar union by Dr. Ronayne, the medical superintendent of that union, which showed the wretched and disgraceful state of the poor in the workhouse. The report stated that there were in the workhouse, on the 13th of April last, 1,428 persons, although an order of the commissioners declared that the number of inmates should be restricted to 840. In one small room, a bath-room 22 feet by 14 feet, in the probationary ward, there were 136 persons. A bath and boiler occupied 35 feet of the surface of the room, and the boiler being without a lid, diffused its steam throughout the room, and, together with the respiration of the overcrowded inmates, and the exhalation from their compressed and ragged bodies, rendered the air of the apartment offensive, sickening, and oppressive. Children were screaming for drink, and the women stated that they had to give them some of the warm water out of the boiler to allay their thirst. The inmates had only an average space of two square feet each—a confinement which he would venture to say had not been equalled in any slave-ship. They had neither beds, bedstraw, nor bedclothes, and in that state many of them continued for eight days without any change of clothing. Dr. Ronayne, in making this report, had done his duty as an honest medical superintendent; but what had been the result? When his report was presented to the board of guardians, the first resolution they passed was, that it should not be placed on the minutes. They refused to take it into consideration. And what was their next resolution? It was to the effect that Dr. Ronayne should be mulcted in a third of his salary, and cut down from 100*l.* to 70*l.* a year, as a consequence of doing his duty in reporting the state of the workhouse. Could anything be more monstrous than that? This was the consequence of an officer's doing his duty in reporting the wretched state of the workhouse to the guardians. He certainly considered that if the right hon. Secretary for Ireland did not supersede guardians who acted in this manner, he failed in his duty as a Poor Law Commissioner. The law provided that due relief should be afforded to all classes of the poor, and especially to the infirm poor; but could this, he would ask, be called due relief? He believed that the greater number of workhouses in Ireland were well regulated, and the relief was fairly administered; but he thought it would be better to confine relief to indoor relief exclusively, rather than to administer outdoor relief as it had been administered. The outdoor relief given in almost every union in Ireland, had, he believed, been afforded chiefly to the infirm poor, and had been confined to food alone. Now, under the Act of 1847 it was provided that relief to the ablebodied poor should be confined to food, but that the infirm poor, who constituted nine-tenths of those receiving outdoor relief, should be duly, sufficiently, and fully relieved. But had the relief afforded to the infirm poor been equal to their necessities? No; in no case had it exceeded 1 lb. of meal per day, without any allowance for shelter, clothing, and fuel. The consequence had been, that from the inclemency of the weather, and the want of shelter and fuel, many of them had died of starvation. Who, then, was responsible for this? If the guardians did not discharge their duties, the Poor Law Commissioners were empowered to remove them, and to appoint vice-guardians; but it appeared that they had never done so. He wished to call the attention of the House to the false economy of the present system of relief. The object of the poor-law was to afford relief to the destitute poor in such a manner as not to destroy but to improve the resources of the country. But he maintained that the manner in which the poor-law had been administered, especially among the ablebodied classes, had tended to injure and detract from the resources of the country. Instead of adopting the self-supporting system, and providing employment for the ablebodied, a mere eleemosynary system of feeding the people had been carried on for three years, in a most ruinous and wasteful manner. Though always an advocate for the extension of a compulsory poor-law to Ireland, yet so long ago as 1830, twenty years back, he had said that the curse of Ireland was the general want of employment for its inhabitants, and that any poor-law applied to Ireland that merely provided relief for the sick, without containing as its foremost provision the setting to work—and that productive work—of every man capable of work, the rendering labour a condition to be fulfilled before subsistence was administered, would be not only useless but ruinously injurious. The truth of that statement had been proved by the discussions that had lately taken place; and yet, while the ratepayers were impoverished, the poor were, in truth, inadequately relieved. In some of the unions in Ireland, deaths were occurring day by day and week by week, in consequence of the insufficiency of the relief, whether indoor or outdoor, afforded. He had received statements of the most appalling character from medical men and coroners in some of the western unions, declaring that relief had been refused in numberless cases to hundreds of persons, and that many had consequently died. He wished to ask the right hon. Secretary for Ireland why prosecutions had not been instituted against the boards of guardians or relieving officers who appeared, upon the verdicts of coroners' inquests, to have refused relief? He could corroborate his statements by a letter he had received from a clergyman in the county of Clare, who stated that four or five coroners' inquests had been recently held in the Ennis and adjoining unions upon persons who had died from starvation through being refused relief in time to save their lives. One man, Michael Ryan, had travelled three times to Ennistymon workhouse, sixty-six miles in all, and was not heeded by the guardians; on the third time of his return he fell on the way from want, and expired a few days after. The paupers of the Corofin union were at present lodged in the Ennis workhouse; but although after repeated applications they might succeed in getting tickets of admission, yet, after crawling three or four times to the workhouse, they were sometimes refused entrance, and crowds of them who were unable to leave slept at the workhouse gate for the night, where death sometimes overtook them. Lately a large number of paupers went from Ennis to the Ennistymon workhouse, where they were refused admission; and on returning to Ennis workhouse, a distance of eighteen miles, the doors were closed against them, and they had to wander about in search of weeds for subsistence. Sufficient accommodation might be easily provided, but the guardians objected to the expense, and while they were practising that cold and cruel economy the people were withering on the earth. The famine at Jerusalem, according to the account of Josephus, was rivalled by what had taken place to the writer's knowledge within the last four years in Ireland. Such a poor-law was a mockery of relief. It failed to provide the destitute with food fit for the inhabitants of a Christian country, and therefore did not carry out the principle on which a poor-law ought to be founded. He could not concur in the resolutions of the hon. Member, who wished to go back to the time when there was no poor-law at all, and he called on the House rather to enforce the law passed in 1847, for, if they allowed such things to go on, Ireland would have but the shadow of a poor-law—not a substantial law to save people from perishing of famine.

Sir L. O'BRIEN said, the hon. Gentleman who had just sat down had given them a very fair specimen of the ridiculous stories and misrepresentations which were told every day about Ireland and the poor-law. For instance, he told the House of 136 poor people, who had only two feet square—the hon. Gentleman ought to have given the number of cubic feet—to live in. Were they to believe such a story? Any one would know it was impossible, at all events with the race of people whom he knew to be coming for relief in that country. The hon. Gentleman had read passages from the report of a doctor, which appeared in a Parliamentary paper of that morning; but it would have been better if that doctor had gone to the board and stated the cases of which he complained. Indeed, it was his business to have done so, or to have exercised his power of redressing those evils without going to the board of guardians at all. Instead of going to the master or matron of the workhouse, he wrote an invidious report to be put in a local paper as a piece of scandal against the guardians. It was in that way the poor-law in Ireland was defeated. By these misrepresentations—by this wickedness, and by this cruelty—for in making those statements, injustice was caused to the really poor—while many were reduced to poverty who had been in comfort—it had come to pass that the law could not be carried out. The hon. Member had read a letter from a Roman Catholic clergyman with whom he (Sir L. O'Brien) was well acquainted. He would say this of that gentleman and of his rev. brethren, that they had rendered it impossible to work the poor-law in Clare. He knew who were the hon. gentleman's correspondents. One of this kind of persons had actually recommended persons for relief who were dealing in provisions at the time in his (Sir L. O'Brien's) own village, and it was a long time before it came to his ears, though every one knew it. If the Roman Catholic clergy would come forward and assist the gentry in the administration of the poor-law, the country would be able to get through the most trying times; but if such a pressure was maintained on the guardians, it would be impossible to work it, and the people who had to pay rates would be ruined utterly. Why, he had seen persons as well dressed as hon. Gentlemen, who, when the board met, hired rags, and came in before them limping and lame, with their backs bent and doubled up, for the purpose of getting relief, though the guardians knew them to be well off. The relief of Clare cost 160,000*l.* last year—more than one-half the valuation of the county, and which would require rates of at least 12*s.* in the pound to pay. But that county was not the worst. In the union of Newcastle, in the county of Limerick, the rates and taxes were 21*s.* 6*d.* in the pound; and Mr. Caird quoted the case of a farm in Kanturk which produced but 24*s.* an acre, on which the rates and taxes came to 25*s.* an acre. How could any country get on under such circumstances? If the hon. Gentleman turned his time and his talent to assist the guardians in carrying out the law, he could make his knowledge of the subject really of service; but his speeches and writings, day after day, were setting one class against the other, and rendering it impossible to carry out the law at all. All the people thought of was to grasp at as much as they could, and they were taught to hate the rich, and regard them as enemies. In that way they had heard aspersions against the justices of the peace, who had to discharge the most serious duties, and those aspersions naturally tended to embarrass them and to excite the people. But the people were beginning to find out the truth, and his return to the House was a proof that they did not regard the representations which were made to them; they were coming to discover who were their real friends. It afforded a proof that the lower classes were beginning to appreciate the real state of the case, and were prepared to throw aside those who had pursued the base, degrading, low, and unworthy policy of seeking popularity at the expense of their miserable country.

Mr. O'FLAHERTY observed, the hon. Baronet might have a chance hereafter of proving what he stated with respect to the Roman Catholic clergy. From what he (Mr. O'Flaherty) knew of that body, he could not think those assertions were true. He would support the Motion of his hon. Friend the Member for Roscommon in which he agreed generally, though he would not take away the power of outdoor relief altogether. The House ought to do something to prevent the total destruction of Irish property.

Sir L. O'BRIEN explained, that he had no intention of imputing to the Roman Catholic clergy any desire to obstruct the law. He lived with them in harmony and good feeling, and did not wish to make any charge against them; but he would say they were sometimes driven too far by the circumstances under which they were placed.

The House divided:—Ayes 65; Noes 90: Majority 25.

List of the Ayes.

Archdall, Capt. M.
Arkwright, G.
Bateson, T.
Bentinck, Lord H.
Best, J.
Boldero, H. G.
Boyd, J.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Bunbury, W. M.
Burke, Sir T. J.
Burrell, Sir C. M.
Cole, hon. H. A.
Dick, Q.
Dickson, S.
Disraeli, B.
Dunne, Col.
Forbes, W.
Frewen, C. H.
Galway, Visct.
Grace, O. D. J.
Grogan, E.
Guernsey, Lord
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Herbert, H. A.
Hildyard, R. C.
Hudson, G.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keogh, W.
Leslie, C. P.
Lewisham, Visct.
Long, W.
Mackenzie, W. F.
Macnaghten, Sir E.
Maunsell, T. P.
Monsell, W.
Napier, J.
Neeld, J.
Neeld, J.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, M.
O'Flaherty, A.
Plumptre, J. P.
Prime, R.
Sadleir, J.
St. George, C.
Smollett, A.
Stafford, A.

Stanford, J. F.	Villiers, hon. F. W. C.
Stanley, E.	Waddington, H. S.
Stuart, H.	Walsh, Sir J. B.
Sullivan, M.	Young, Sir J.
Trevor, hon. G. R.	TELLERS.
Trollope, Sir J.	French, F.
Verner, Sir W.	Naas, Lord

TENEMENTS RECOVERY (IRELAND) BILL.

Order for Second Reading read.

Mr. FREWEN, in moving the Second Reading of this Bill, said, its object was simply to extend to Ireland an Act which had worked well for twelve years in this country. The expense of ejectments would be saved in the removal of squatters.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. P. SCROPE moved that the Bill be read a second time that day six months. The effect of the measure would be to facilitate still further the process of ejectment and eviction in Ireland. Was it prudent in Parliament, therefore, to pass such a measure at a time when small tenants had been got rid of by hundreds and thousands? Since the famine began, 92,000 small tenants had been turned out, their houses pulled down, and themselves exposed to perish. Chief Baron Pennefather stated that for sixty years past Acts without number had been passed to increase the power of the landlords in Ireland, but none to ameliorate the condition of the tenants. This Bill would add another to the number of the former. Recently 600 ejectments had been brought against the tenants of a single estate. Surely the power of eviction was sufficiently extensive at present.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. O'FLAHERTY said, that he should support the measure if it conferred any benefit on the resident landlords of Ireland. With regard to the statement of the hon. Gentleman the Member for Stroud, he begged to say that it was not an Irish landlord who brought the ejectments that he had spoken of. They were brought on behalf of a London Insurance Company. He hoped the hon. Member for Stroud would bear that in his recollection when he referred to Irish landlords. He should vote against the measure.

Mr. HATCHELL said, that the court of quarter-sessions gave the landlords ample power to get back lands which had been overheld. He should, therefore, support the Amendment. It was proposed by this measure to give the power to the bench of magistrates. He did not think that a new tribunal was wanted, and this time it would be very inexpedient to create such a tribunal. He did not wish to say anything disrespectful of the magistracy in Ireland, but it was better that they should not be called upon to decide in cases in which they themselves or their friends might be interested.

Mr. G. A. HAMILTON said, that there were not such facilities for evicting tenants as the hon. and learned Gentleman seemed to suppose, because a year's notice was requisite. The difficulty and expense of the present process was one of the main causes of the ejectments which had taken place, and been complained of, and he believed that the passing of a more summary mode of ejectment would be beneficial, not only to the landlords, but to the tenants.

Mr. MONSELL said, that this Bill applied to a great body of the tenantry of Ireland, and it would scarcely lead to peace or confidence if such powers were given to the magistracy of Ireland, however pure and well disposed to discharge their duties they might be.

Colonel DUNNE said, that the only ejectment that could be brought was an ejectment in the title, which was a sufficiently expensive process. It was not the landlord, but the poor-law for which the hon. Member for Stroud voted to-night, that caused these ejectments. He believed that some such measure as that proposed was necessary, but he would not pledge himself to all its details.

Lord NAAS thought that it would put an end to some of the distressing scenes which accompanied ejectments in Ireland if a more summary process existed. He was not prepared, however, to give the power to the magistrates of deciding upon cases to the amount of 20*l.*, which he thought was too high.

Mr. ROCHE hoped the Government would not now, or at any future period, support a measure founded on the principle of this Bill. The power of ejectment existed in the assistant barrister's court, and he did not think that there was any necessity for another tribunal.

Mr. GROGAN admitted the necessity of having a more speedy and effectual law of ejectment, but thought the present measure required some modification.

Mr. SADLEIR said, there was not a single clause in the Bill of the hon. Member for Sussex that would meet the grievance which existed in Ireland. The great evil in that country was, that no landlord could obtain possession of his property from a trespasser without going through the whole process of ejectment; and this Bill did not in any way remedy that evil. He cordially joined with the noble Lord the Member for Kildare in imploring the Government to take the subject into their hands, and to legislate effectually upon it.

Mr. ST. GEORGE suggested that the simple fact of a tenant owing one year's rent should be sufficient to cause eviction.

Mr. NAPIER hoped the hon. Member for East Sussex would not press the second reading of the Bill. No good reason had been assigned for the extension of the provisions of the Act of the 1st and 2nd of Victoria, cap. 74, to Ireland.

Mr. FREWEN said, that as the Solicitor General for Ireland was opposed to the Bill, and as Her Majesty's Ministers appeared also to be against it, he would not trouble the House by dividing upon the Question.

Question put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Bill to be read 2° upon this day six months.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 5, 1850.

Minutes.] Public Bills.—*Reported.*—Weights and Measures.

3ª Titles of Religious Congregations.

NEW HOUSES OF COMMONS—THE MEMBERS' GALLERY.

Mr. BANKES wished to take the opinion of Mr. Speaker on a question arising out of the construction of the House. On the occasion of their last sitting (in the new Chamber) hon. Members addressed them from the gallery, and he (Mr. Bankes) begged to ask, if it was in conformity with the rules of the House that a Member should speak from the gallery, which was considerably behind the bar of the House? He had always understood that no hon. Member was entitled to speak from any part of the House decidedly behind the bar; and as a large number of hon. Members would sit in the gallery, it was a matter of importance to ascertain whether they would be allowed to address the House there though actually sitting within its walls. He begged to put the question, and to have Mr. Speaker's opinion on it as a point of order.

Mr. SPEAKER said, that hon. Members sitting in the gallery, if in a place devoted to Members, had a right to be heard from it, thought it was behind the bar. The gallery was to be considered within the House.

Mr. BANKES observed, that as the strangers' gallery was a portion of the same gallery in which hon. Members sat; might not some inconvenience arise from the difficulty of distinguishing whether it was a stranger or a Member who addressed the House?

Mr. SPEAKER said, that there were many places behind the bar from which Members had a right to address the House, but Members could not address the House unless they spoke from the places devoted to Members.

EDUCATION BILL.

Order read for resuming Adjourned Debate on Amendment proposed to be [made to Question 17th April], "That the Bill be now read a second time," and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Mr. C. ANSTEY gave the Bill his cordial support, and expressed his great regret that the noble Lord the Member for Arundel should have departed from the liberal course he generally pursued, and have opposed a measure to diffuse the blessings of education. The principal objections which had been urged in the House had been founded not on the Bill before them, but on systems of education in foreign countries, and on propositions laid before foreign legislatures. It was said that the University of Paris, which had the monopoly of education, had made Frenchmen a nation of infidels; and hon. Members argued that the House should therefore reject any scheme of secular education. But the system of the Paris University was eminently religious and sectarian, and if hon. Members believed a university system of that kind created infidels, they ought to give this Bill their support. What was the principle of this measure, so much denounced? It first gave a complete recognition of the necessity of religious education, and then of the right of parents to teach whatever religion they pleased to their children. It would have been better if the hon. Member for Oldham had used the word "instruction" instead of "education," as the change would have met some of the arguments used by his opponents. But, after all, the Bill of the hon. Member was open to very little objection. The hon. Member proposed that there should be schools for teaching children—the children of the poor—reading, writing, and arithmetic. Although under the Bill it was proposed to give nothing but secular instruction, it was not proposed that the children should be limited to that. On the contrary, the promoters of the measure were perfectly willing that the children of the poor attending those schools should receive religious instruction and information from any quarter, and in any manner that their parents or other natural guardians might think proper, leaving them perfectly free to receive such instruction as the children of the poor had been accustomed to receive from their priests or other ministers of religion. Now, that was what the hon. Member for Oldham required, and such a plan of education for the people of this country did not appear open to the complaints that had been made against it. In opposition to the measure, the noble Lord the Member for London told the House that he deemed it inexpedient that there should be any separation of religious from secular instruction, and the noble Lord also objected to the Bill on the ground that it savoured too much of centralisation, observing, at the same time, that the Committee of the Privy Council for Education existed in full force, and that in any plan for instructing the people Parliament ought to avail themselves of the existence of such a body, and of the aid that might be derived from it. Now, it was hardly fair to make that a ground of complaint against the measure of the hon. Member for Oldham; for any one who looked at the Bill would see that in framing his measure he had to some extent taken advantage of the existence of such a body as the Committee of the Privy Council for Education, and of the powers with which the law had previously invested that Committee. But then the noble Lord objected to the principle of the Bill. The obvious answer to that was, that the measure had been founded upon a principle which the Government themselves recognised. The very principle which the noble Lord found fault with, was the very principle upon which his own Government proceeded. Every one must see at a glance that it was the principle on which the present system of Government education was based. Then, the only difference between the hon. Member for Oldham and the noble Lord the Member for London, was one purely of detail. One of them said he would confide the business of secular and religious education in every case to an individual, and the other maintained the contrary; but what was the practical working of that? The persons so employed by the Privy Council to carry out their plans of education were obliged to separate secular from religious instruction. Then, if they must be separated, would it not be better to have two distinct classes of teachers? Further, in considering whether they would or would not pass the Bill then before them, they were bound to look at the state of public opinion respecting this question—they were bound to ask themselves what had been the tenour of the petitions addressed to them. He would ask, had not the petitions been generally in favour of the Bill? and, more especially, he would remind them that the petitions to which the august ecclesiastics of the Catholic Church appended their signatures, had not they been all so far in favour of the measure as to avow a distinct preference for secular instruction over what was called religious instruction? They required, and doubtless every one who valued toleration would agree they had a right to require, that no book should be put into the hands of Catholic children, no instruction given to them, of which the clergy of that Church or the parents of the children disapproved; and furthermore, that Catholic children should not be required to join in prayer with those of their schoolfellows from whom they differed in religion. With reference to the present position of the subject, he wished to state one or two facts. In the united kingdom there were at present as many as 9,000,000 or 10,000,000 young persons desiring secular instruction, and, at the same time, the means for that purpose were confessedly insufficient. He would instance the case of Liverpool. The former returns from that town showed that about one person in eight had received the advantages of education, while the last returns, in comparing the educated with the uneducated classes, showed that the proportion was one in ten. Now, what was the principle which the Government had taken up that entitled them to stand forth so strenuously in opposition to the Bill? One of the principles on which they seemed to rest their opposition was this, that education should be maintained upon the voluntary system. That might be all very well in the case of religion. There the voluntary principle might be effective; but when men were called upon to be generous in the work of education, it was not easy to get them voluntarily to endow educational establishments. Still the Government opposed the measure of the hon. Member for Oldham, although the Church of England itself was not altogether unwilling to leave secular education in the hands of the State; and, in fact, the only difficulty in that part of the subject arose from uncertainty as to the meaning of the phrase "secular education," as to the precise sense in which the terms "secular" and "ecclesiastical" should be used. It really appeared to him, that in dealing with this question, the Government began at the wrong end—they began with the roof instead of commencing with the foundation. He had visited many of the national schools in Ireland, and he never knew harmony existing in any of those establishments where the rules laid down for their government were strictly carried out; but where a wise compromise was entered into by the clergy of both denominations with reference to the selection of books, then a good understanding was easily established and maintained. When, however, it was attempted to introduce the Government plan in its full vigour, it was found that it would not work; for how could persons professing opposite systems of religion, settle what things were essential, and what were not? The authority of tradition might seem to Protestants to be not a very important portion of the Catholic religion, whereas it was the very foundation of ecclesiastical authority in that Church. He had likewise to observe, that the funds proposed by the hon. Member for Oldham were to be derived from a local rate accompanied by local authority and local responsibility. If the House threw out the Bill, they would by that act recognise the principle of centralisation. As to the Catholics and the Protestant Dissenters, they laboured under a grievous want of the means of educating their young people. There were at present in Great Britain 100,000 Catholics in the utmost need of secular and religious instruction, whom it would be impossible to educate with the scanty funds now available for such a purpose. Many of those were Irish, and great numbers were in the parish schools and workhouses, exposed to the influence of a proselytising spirit, but whom their parents and friends did not possess any sufficient means of educating. At the present moment there were in the Marylebone workhouse as many as fifty-six children in that position. It was further not unworthy of notice that the most destitute districts were those in which it was found most difficult to raise funds for purposes of education. He should support the principle of the Bill, without pledging himself to all the details, and he warned those who opposed the Bill on the ground that the House had no right to withdraw social duties from the sphere of religious action, that they might, by carrying out this principle overmuch, degenerate into violent and ridiculous heresy. Those who would so act, must be prepared to convert society into one great, widespread, and universal Agapemone.

Mr. DRUMMOND thought the hon. Gentleman the Member for Oldham, who had brought this measure forward in a speech which had met with general approbation, had received a hard measure from both sides of the House. If there were one question upon which hon. Members were more unanimous than another, it was in asserting that the State ought to undertake the education of the people. Upon a former occasion he had remarked the sad confusion which prevailed in the terms "education" and "instruction." He was glad that this distinction was recognised by the hon. Member for Oldham; and it was only remarkable that the hon. and learned Member for Sheffield had used the words "instruction" and "education" as convertible terms. They all agreed upon the substantative, but they were all fighting about the adjectives, some calling out for secular, others for biblical, or religious, or scriptural education; but still, a State education they all insisted upon having. Now, he believed that this was an impossibility. There were no two things more unlike each other than education and instruction. Instruction was putting something into a person, education meant drawing something out of a person. All instruction might be divided into two classes. They might give either scientific instruction or historical instruction, but they could give no other. The tendency of scientific instruction was to make sceptics. Every person who knew a smattering of science knew that scientific men took nothing upon authority. A lecturer upon anatomy, chymistry, or any other science, says, "You must not trust to what I tell you about the muscles, veins, tendons, arteries, or nerves; it will be your duty to trace them for yourself. You must take nothing whatever on trust." So it was with every other science. But with regard to historical research, the case was wholly different. There we must trust to the assertions of others. At this time of day we could not inquire whether such a man as Hannibal had ever lived. We must take the fact upon the assertion of others. We might investigate historical incidents, but we could make no new discoveries of facts. Niebuhr and his followers had merely modified things that were known before. But in education the state of things was wholly different. Learning, after all, was a luxury. A man's happiness was not made by it. It might increase his irritability and his self-sufficiency, but it gave him no increased means of happiness. Nor did it increase his morals. There was no connexion between intellectual power and moral improvement; but in education the thing was wholly different. Education was effected by the drawing forth of that which was good, and the non-drawing forth of that which was evil. This work could only be carried on by the parents when the child was young, and by the Church afterwards. Every heathen man could say—

> "Video meliora proboque."

But what followed?—

> "Deteriora sequor."

They must have the ordinances of the Church to communicate the power of doing that which was right, or they would have gained nothing at all, and they were day by day destroying that Church, and substituting this theory of universal instruction for the spiritual power of the Church. Such a theory was wholly fallacious. It was the love of the mother, and not the learning of the mother, that educated and nourished the child; and it was the pastorship and the love of the Church, and not its theology or its teaching, that had ever benefited or made a religious community.

Mr. W. P. WOOD said, he felt a very deep interest in this question, which he apprehended was after all the one great question upon which the maintenance of our happiness and the prosperity of our empire depended; and, perhaps, he had a special call to address the House, in consequence of the observations that had been offered by his hon. and learned Friend opposite, the Member for Youghal, in which he described the operations of a society with which he (Mr. Wood) had had the honour of being connected for some years, as utterly useless, and the society itself as effete. [Mr. C. Anstey: For this purpose, for the purpose of distributing Parliamentary grants.] Before he sat down, he thought he should convince the House of the extremely erroneous conclusions to which the hon. and learned Gentleman had arrived; but, before doing so, he was anxious to express, as every hon. Member almost, who had preceded him, had expressed, his satisfaction at the calm and temperate tone in which the subject was introduced to the House. It was a subject on which, of all others, they ought to be calm and gentle. He would endeavour, as far as possible, to follow the example of not being excited on this subject, feeling, as he did, that religion had been up to this moment the handmaid of education, yet it should not be through his lips, at all events, that such expressions should fall as that those who voted against this measure were voting in favour of the powers of hell, and that those who voted in favour of it were voting in favour of the powers of heaven. He had not even heard such an expression. Although he was glad that the hon. Member who proposed this measure disclaimed many of the idle and foolish expressions which appeared to be prevalent on this subject, yet at the close of his speech he somewhat inadvertently introduced some of those views. The hon. Gentleman read a document to the House purporting to emanate from a society of working men; and he said that he believed the feelings of the working men were not understood. He (Mr. Wood) believed them to have the average amount of intellect that the rest of mankind had; but he must beg leave to say, that the first sentence of that document convinced him it was not a working man's production. He never heard working men use such expressions as "the plastic minds and nascent judgment of our offspring should not be subject to external pressure." [Mr. M. GIBSON: But they adopted it.] The right hon. Member said they adopted it. That was his complaint. His great complaint was, that men availed themselves of this idle species of oratory. There was a fallacy in supposing that the great difficulty in educating the people of this country had arisen from the feeling of the religious sects, and that, instead of religion being the handmaid of education, it had been the obstacle. Another fallacy occurred in the suggestion, that they should leave out all those points on which men differed, and adopt the eclectic system, eliminating only those points on which all men agreed. He knew that men's minds were variously formed, as different eyes were variously affected by different colours, and that the pure ray of truth seldom fell upon any human mind. But this mode of proceeding would end in excluding every ray, and certainly all colours are alike in the dark. It was asserted that differences on religious subjects had prevented education. Now, he asked them to show him a single child who had been shut out of a school in consequence of religious education being given in it. He should show what education had been given by the different religious societies, and then ask what had been done by the schools of the philosophers. He would begin at the beginning. In what were called the dark ages, where was there any education except in connexion with the religious institutions? The only information then possessed was derived from the religious institutions and the schools founded by them. He had a debt of gratitude to acknowledge to one of those institutions. He had had the advantage to be connected, as the right hon. Gentleman in the chair, and many other Members of that House, had been, with the oldest educational institution in this country. The school of Winchester was founded in 1393, more than 450 years ago, by William of Wykeham, himself a Churchman, and it gave a religious education founded upon religious principles, but not a religious education only. William of Wykeham well knew that no person could be properly educated unless all the powers of his mind were developed in harmony. It was a monstrous calumny on the Church, and on the different religious bodies, to say that they had ever been opposed to the development of the intellectual powers. Their religious institutions all recognised this truth, that in man there were intellectual, moral, and religious faculties, and that the equal and harmonious development of those faculties was the only real education. William of Wykeham's motto was, "Manners maketh man;" and he took no bigoted view of the subject of education. Eton was in the reign of Henry VI., founded on the same principle; as were also Westminster, and the various other public schools. In the time of Henry VIII., unfortunately, a vast spoliation took place with reference to those funds which might have been devoted to education; but when, through the influence of the clergy, and especially of Cranmer, some few fragments were saved, they were devoted entirely to the purposes of education. The Church had at all times distinguished itself in promoting the cause of education. Henry VIII. founded another institution to which he (Mr. Wood) was indebted, namely, Trinity College, Cambridge; the foundation being such that men of every line of politics had been collected within the walls. They then came to the reign of Edward VI., and from some additional fragments there was founded in that reign Christ's Hospital, in which five or six hundred children received not only religious but secular education. In that reign eighty public schools were founded throughout the country, amongst which was a valuable one in the town of Birmingham. That was the state of things down to the time of the Reformation. Was there any cessation in this course? He did not find any unless it were during the troubles of the civil war. No sooner were matters tranquillised by the Restoration than education was again set forward. And by whom? By the philosophers, of whom there were many in the reigns of Charles II., James II., and William III.? No; the only schools founded for the poor in those reigns were founded by the clergy. It was a remarkable fact that in 1674, soon after the Restoration, there was founded a society for educating the poor of Wales, who were then, as he feared indeed they were still, in a peculiar state of destitution as regarded education. That society was founded by several eminent men, who signed a paper pledging themselves to carry out religious instruction in Wales by diffusing religious works, and by having the children taught to read and write and to cast accounts. The first names which he found on this paper were those of Tillotson, Stillingfleet, Patrick, and Fowler, all of whom were afterwards selected by the Crown to fill the office of bishop; and he could wish that all subsequent appointments had been equally good. It would be remembered that in William's reign there was a commission for the selection of bishops. There was also the name of Richard Baxter—a name for which he entertained a high degree of veneration, though it belonged to one who became a nonconformist from the Church. His object was to show that it was the religious sentiment which had been the great cause of the promotion of education in this country, and that without reference to sects. He claimed for the Church the merit of pre-eminence and priority in carrying out the education of the people. [Mr. M. GIBSON: The Church came second.] His right hon. Friend the Member for Manchester said, the Church was second. That was a deplorable exhibition of the ignorance which existed with regard to that subject. It was a most remarkable fact that they should find such ignorance even there. He was prepared to establish his position by facts and figures. The first move in education after the Restoration was that to which he had just referred, which had Wales for its object. The next move was a most remarkable meeting, which produced the Christian Knowledge Society. It was held on the 8th of March, 1699; a meeting of five individuals who combined together with energy and perseverance. Of those five persons all were members of the Church; although only one was a clergyman; one was a judge, another a colonel in the Army. Their first resolution was as follows:—

> "We, whose names are undersigned, do subscribe annually the sums affixed to our several names for promoting Christian knowledge."

How?

> "By creating catechetical schools, by raising catechetical lending libraries for the several market towns, by distributing good books, or otherwise as the society shall direct."

The very first thing which this new society did was to establish good schools for the education of the poor. The first meeting having taken place in 1699, five years afterward, in 1704, there was holden the first of those annual gatherings of charity schools which had taken place every year down to the present time in this metropolis; and such had been the efforts of the founders of the society in the interval, that there were 2,000 children present. In 1729, only 30 years after the first meeting, there were in England, in consequence of the society's operations, 1,658 schools, containing 27,000 boys and 17,000 girls, in all 34,000 children. It had been said that the Church never thought of forming a National Society till Lancaster set up his school. He had shown that the Church engaged in the work of education a century before Lancaster was heard of. The truth was, that in consequence of the growing operations of the Christian Knowledge Society, the National Society split off from it. Hence the common trick of saying, that the National Society was only founded in 1811. Dr. Bell, a clergyman of the Church, established a school in Madras, in conformity with his views, in 1789. In 1797 he came to England, where he established a school at Aldgate. In 1798 Joseph Lancaster was a lad 18 years of age, but even at that age, being actively engaged in a school established by his father, he introduced great improvements in the system of instruction. In the work published by him in 1803 he expressed his regret that he was not acquainted with the details of Dr. Bell's system till he had somewhat advanced in his plan, as it would have saved him much trouble. The National Society having been formed in 1811, the British and Foreign School Society, which adopted Mr. Lancaster's system, was not established till 1812. His right hon. Friend the Member for Manchester was, therefore, under a most remarkable hallucination in supposing that the Church had ever lagged behind in the great work of educating the poor. But it was of much more importance to ascertain how the Church had been doing her duty towards the people amongst whom they lived and moved. If that question could not be satisfactorily answered, all that the Church had done previously would, he admitted, be as nothing; but he apprehended that those who considered that religious feelings stood in the way of education were here also most remarkably in error. He would just call the attention of the House to what had been done from the institution of the National Society in 1811 down to the present time; and he would particularly request them to mark what an improvement had resulted from the system adopted by the Government, or rather by Parliament, of making grants as stimulants to education. From 1811 to 1838 the National Society expended 104,000*l.*, being at the rate of about 3,800*l.* a year. There was then introduced the system of making annual grants in aid of voluntary exertions. What was the result as regarded this particular society? Why, whereas in the first 27 years of its existence it expended only 104,000*l.*, in the nine years from 1838 to 1847 inclusive it expended 188,135*l.*, or 21,000*l.* a year. He could not give the statistics of the different Dissenting bodies, but he believed that they also would exhibit great results. In 1837 the National Society had 10,800 day schools; in 1847 it had 17,000. Of Sunday schools there were 5,230 in the first period; 6,038 in the next. The number of day scholars receiving education at the schools in connexion with the Church was, in 1837, 558,000; in 1847, 955,000. So that, by the assistance of parliamentary grants, they had so stimulated the energies of those who had before despaired of being able to make the requisite provision, that there had been an increase of 6,200 schools, and of 400,000 scholars. By the present system, then, they were overtaking the increase of population; and he would ask them whether they would substitute for a system which was producing such results, one which had never been tried, and thus run the risk of throwing back the education of the country? They should be guided by the facts of the case, and not by mere declamation. He had endeavoured to avoid declamation, and to confine himself to argument, and he trusted that he had established three points: first, that education in this country had from the earliest period been conducted on religious principles; secondly, that the Church had taken the lead in carrying it out; thirdly, that with the existing system, which combined the efforts made upon religious principles with the aid of the State, they were now in a position to overtake the educational wants of society. He would now state what amount was spent annually on Church education. The annual expenditure in the Church schools was 874,000*l.*, a sum which exceeded the whole amount of the parliamentary grants from the period when the first grant was made, in 1833, down to 1848. The total amount of the parliamentary grants in those seventeen years was 720,000*l.*, and it should be recollected that the aid of Parliament was not confined to the Church. He would add the pleasing fact that in the schools connected with the Privy Council, of a total expenditure of 200,000*l.*, there was a contribution of 78,000*l.* from the children themselves. The Church contributions, independently of those of the children, were upwards of half a million annually. That fact showed that the Church was not indifferent either to religious or secular education. He had not yet mentioned the efforts which the Church was making to provide suitable teachers. And here he must admit that in this respect there was for a long time a lamentable deficiency. The council of the Christian Knowledge Society had this subject early under their consideration, and contemplated the establishment of schools for the training of masters. They felt the absolute necessity for so doing, and they also perceived the immense inconvenience of entrusting a large number of pupils to one master. The National Society had lately established training schools. In six years they had spent 60,000*l.* in that work alone, having sent out 1,043 teachers, namely, 553 masters and 489 mistresses. Since the Government first established the plan of granting certificates to masters who had proved themselves qualified to take pupil teachers, the masters connected with the National Society had been almost uniformly successful as candidates; and any one who looked at the certificates would find that it was not a small amount of secular education that would suffice. With regard to the pupil teachers, he would not enter into a statement of the qualifications, but many hon. Members of that House would perhaps have some difficulty in passing the examination. In his time at Cambridge, what was termed the common degree was acquired with a less amount of knowledge. There had been a large increase in the number of schools for pupil teachers, and in consequence of the advantages which were offered, training institutions were now formed in many parts of the country, towards the support of which the National Society alone had granted 3,400*l.* a year. There were at that moment in the various training institutions in and near London about 350 pupil teachers, whilst in the diocesan districts there were 312. He agreed with his hon. Friend the Member for Oldham, that one of the greatest evils of the past had been the under payment of masters. When the National Society took the census of its schools in 1847, they found that the amount paid to teachers annually was 621,000*l.*, whilst the number of teachers was 20,000, so that the average salary was only about 30*l.* a head. But the proper remedy for this evil was not to establish a new system, when so much good had been done under this existing one, but to remunerate teachers better through the aid of Government grants. Having all this machinery in operation, the first part of the system being only ten years old, and the last only three, were they, with such astonishing results before them, to put a stop to all that was being done, and to say that children should receive secular instruction only? It really appeared to him that the hon. Member for Oldham brought forward nothing in support of his proposition. The only tangible ground which he had heard for assenting to it was that stated by the hon. and learned Member for Youghal—namely, that the National Society and the Government were now engaged in a dispute. He regretted the unfortunate dispute which had arisen between the National Society and the Government, but he hoped it would be only for a time. He did not see anything in the disputed clauses themselves to which any Churchman might not give his sanction; but the great objection was felt regarding the clauses that were excluded; and all that was asked by those who most strenuously opposed the Government was, that instead of referring any disputes to the Committee of Privy Council, in the case of a school for which they might subscribe, they should be permitted to refer to the bishop. Now, he did not see why such cases should be excluded from the grant; and really the difference was so small, that he hoped a calm consideration of the circumstances by both parties would soon lead to an arrangement. From all he had stated, then, he came to the conclusion that the present was not a time to alter the educational course which they had taken; and if ever a time should come when they found interference necessary, he thought that it would be the duty of the Government to take such a step, and not a private Member of the House. He would not enter into a comparison of our educational efforts with those of foreign countries, but would simply observe that no experiment had as yet taken place in any foreign country which they could consider so satisfactory as to warrant their substituting it here for that which was already in operation. The hon. Member for Oldham had told them that he had no wish to impede or hinder the course of religious education, and that he agreed in the statement made by the hon. Member for West Surrey, that education was a different thing from instruction; and he further said, that education was a thing that could only be carried out by a highly-gifted teacher, or an affectionate pastor or parent. Now, instruction alone was not enough. In the circulars of the working men to which he had already alluded, it was stated that they could not consent that their children should be subjected to an "external pressure," as they called it, which would leave impressions upon their minds. But how was it possible to guard a child from impressions? The physical education of the child began at the earliest period, and its mental education might be said to commence at three years of age. Every expression from a parent, whether of word or look, left its impression; and, as the child grew, the active portion of the mind would be brought into lively action, according to the writing found engraved on the blank and passive portion of the mind. If they did not write something on it, somebody else would. Did they suppose that young children could run about the streets without something being written on their minds? Would not their "plastic minds and nascent judgments" receive a pressure of evil while they ran about the streets, if care was not taken by the schoolmaster or the affectionate pastor or parent to fill the mind with impressions of good? It was recorded by one of the earliest historians, that an experiment was made to discover the first language by shutting up two children till the period when they might be expected to speak. The only sound they made, however, was "Bah!" in imitation of sheep, which they had heard bleating. In other words, a mind without any impression would be that of an idiot. Now, he ventured to say that our children would, in like manner, just be open to the impression made upon them. If men had in themselves religious impressions, how could they avoid communicating them to their children? Did not the criminal returns show that the want of religious instruction was the cause of all the mischief? It was a fallacy to say that parents were opposed to having their children coerced, because that mode of expression did not convey the true state of the case. He feared that in truth, parents cared very little about the matter. He would state a fact illustrative of his meaning. Some of his friends established a school in which the catechism was taught, but it was given out that it would not be taught to any child whose parents objected. About 500 children were annually in the school, but the number who objected in the course of four years was only five. He was afraid that a great many who sent their children to school did not ask whether they were to be made Mahometans or anything else; but merely sent them, because they had a feeling that they would there acquire something they did not possess before. He held that in England there was no need to lay down any rule on the subject of religious teaching. In the large towns, if any persons objected to the exclusive system, they had only to go to another school; and in the country districts he did not think injury would be done to any one, for the Church of England had always shown great forbearance in this matter. She was always ready to meet cases of emergency. In the case of the Factory Education Bill, introduced by the right hon. Baronet the Member for Ripon, the Church of England at once gave way in order to meet the case of a number of children of all classes of opinion. necessarily gathered together in one school, as belonging to one factory. They did not, in that instance, insist on the catechism being taught in those schools; but their wise and prudent conduct was not imitated by the Dissenting bodies, who were the means of throwing out the Bill. He contended then that it was their duty to write on the minds of children some views of religion; but by the proposed Bill they would be compelled to give up every school where religion was now taught, and adopt a school for merely secular education in its place. It would not only have the effect of shutting up such schools, but of imposing a compulsory rate for the support of mere secular education. Every place was to be reported dark where only exclusive schools, as they were termed, existed. So that if, as was the case in some parishes, nearly the whole population were taught in national schools, the parish was to be regarded as one having no school at all, and a rate must be levied. The greatest injury would thus be done to the friends of religious education. A man who cared nothing about religion could very cheaply afford to be liberal in this respect, because it did not signify to him what was taught, and he was ready to agree to anything. But a man who was in earnest about his opinions, and was convinced of their truth, felt that he was exposed to injustice by a measure like the present. True liberality is not indifference, but consists in a firm conviction of truth, whilst a man at the same time gives those opposed to him full credit for sincerity in the course which they take. He gave the hon. Member for Oldham full credit for being actuated by motives as pure as his own; but believing, as the hon. Member himself had said, that they could not have a person educated without a highly qualified teacher, or the tender care of an affectionate pastor or parent, he could not give his assent to the Bill he had introduced. It was proposed to take children from 5 to 13 years of age from their homes to be educated in these schools, but without letting in upon them the light of religion. Many of them had not the blessing of an affectionate parent to do that which the schoolmaster must leave undone. It might be said of them in the words of the unfortunate poet Savage—

> "No mother's care
> Shielded my infant innocence with prayer."

They took them from home to be placed in these schools, but no sure method was to be taken to imbue them with the salutary lessons of religion. With the opinions he entertained, he could not undertake to put a child to school under such precarious instruction as was proposed by this Bill. He asked the Legislature to put the child to a school where he would derive instruction from what his hon. Friend the Member for Oldham designated a highly-gifted teacher—a man who, devoting himself from religious motives to the duty of instructing youth, should display in everything he said not a mere mouth utterance, but the expression of a heart devoted to the service of his God.

Mr. M. GIBSON was anxious to say a few words in explanation of the vote he was about to give, and to point out in what respect he qualified the support he was about to give the hon. Member for Oldham. Before he did so he would refer to the allusions which had been made to himself by the hon. and learned Member for the city of Oxford. That hon. and learned Gentleman came there determined to attack the Bill and those who supported it by every means in his power. Not satisfied with questioning the merits of the measure itself, he made use of those stale devices and arguments which had been used in all times against new proposals of every description. He denounced as philosophers of the new school all who supported the measure. Then he said that it was a subject of such importance that individual Members of Parliament ought not to deal with it. With regard to that position, he (Mr. Gibson) entirely differed with the hon. and learned Member.

It was a question at the present time eminently proper to be introduced to the notice of the House by a non-official Member. If it appeared that the public opinion was not sufficiently matured on the subject to entitle a Government to submit the proposal to Parliament as a Cabinet measure, and if an independent Member was not to be at liberty to bring it forward, there would be no opportunity at all of discussing its merits and assisting the formation of public opinion either one way or the other by a Parliamentary debate. Therefore, in his opinion, the House and the country were indebted to the hon. Member for Oldham for introducing the subject for the deliberation and discussion of that House. As to the epithet of "philosophers" applied to them by the hon. and learned Member, it reminded him that the same had been applied by the old school of conservatives to Wilberforce and those joined with him in the endeavour to emancipate the slaves. With regard to the Government not taking up the subject at this moment, which many deemed a suitable one, he was not going to reproach them on that account; it might be said that public opinion was not sufficiently ripe on the matter, but nevertheless he could assure the House that symptoms of unmistakable approbation had been manifested towards it. He was present at a large public meeting, and he should say he never witnessed an occasion where a subject-matter met with such enthusiastic support as did that of unsectarian education at that meeting, which was, to a great extent, composed of working men. Since then other meetings had been called in Manchester; and lately in one week there were no less than two meetings, one called by the mayor. They were open to all classes and parties; those who were opposed to the principles assembled with as great force as they could muster; the question was fairly put to the assemblage and carried, he would not say unanimously, but by an immense majority, in favour of secular education. He believed there was no question at the present moment in which the working classes took a deeper interest than in that proposed to the House by the hon. Member for Oldham. It appeared to him (Mr. Gibson), in reference to the manufacturing districts, that their position was a peculiar one, and one that called most emphatically on the Legislature to provide unsectarian education. What did the Legislature do in the first instance? It enacted that no child should be admissible, and, consequently, should not earn a livelihood, in any of the cotton, woollen, or silk factories, unless they had attended the local school. But there the measure stopped, without providing the school for their attendance. Now if they made school attendance the condition of employment, and if there existed more than the mere name of religious liberty in the country, they were bound to provide schools of an unsectarian character, to which persons of all religious denominations could resort. . Now, if such were not done, the Government would be open to the charge of coercing the consciences of those who had no alternative but of attending a sectarian school of a different religion from their own, or of non-employment. He would take the hypothetical case of a Roman Catholic school in the immediate vicinity of one of those factories. The law practically compelled the factory children to go to that school, so that a Protestant child was in the position that it should go to that school to be indoctrinated with Roman Catholic tenets, or lose its occupation. In fact, the child might be compelled to forego its religion or its livelihood. That was not a fair position. If labour is to be contingent on school attendance in the manufacturing or agricultural districts, and if it was a good principle for one it was for the other. None but unsectarian schools were suitable, or the principles of religious liberty must be endangered. There was no reason for the denominations, whether Churchmen or Dissenters, to be jealous of the proposal of the hon. Member for Oldham. It might, however, be right that he should then qualify the support which he intended to give the measure of his hon. Friend. He should state he would not go the length of enabling the Privy Council to impose a compulsory rate in support of these schools; but he would declare in favour of giving the ratepayers a permissive Bill, empowering them to rate themselves, if they thought fit to establish schools on unsectarian principles. To that length he was prepared to go with the hon. Member, but not further. If there were those numerous schools of which the hon. and learned Member for the city of Oxford had spoken, and which gave general satisfaction, it would not be necessary that the ratepayers should further tax themselves to establish schools that were not required. If there existed that superfluity of education in parts of the country, and of a satisfactory quality, was it to be supposed that the ratepayers would voluntarily tax themselves for unnecessary additional schools? If it be laid down that in poor districts property must contribute towards schooling, there was nothing unreasonable in all holders of property paying in equal proportion at least towards secular education when religion was not interfered with. He was aware that in many agricultural districts some few gentlemen of property were called on to pay the expenses of the parish schools, whilst other wealthy gentlemen having property in the locality, but happening not to be resident, escaped contribution. If they were to contribute to the secular education of the younger classes, it was right that property should be called upon and rated in just and fair proportion. He did not in the least degree underrate the value and importance of the efforts made by the different religious communions in support of education. He thought it would be a great misrepresentation of the facts of the case if they denied that the religious communions of the country, Dissenters and Churchmen, on many occasions and in various parts of the country, gave most valuable and disinterested support to the cause of education. Both Dissenters and Churchmen had given aid the most valuable; but at the same time he should observe, that the British and foreign schools had been established throughout the country long before the national schools came into existence. But it would be useless to follow up that controversy which the hon. and learned Member for the city of Oxford had introduced. With regard to the accusation that they were indifferent to religious teaching because they supported secular education in the present measure, he should observe that the Bill was called "A Bill to promote the Secular Education of the People of England and Wales." It left religious teaching where it then was, and did not interfere with the existing machinery for dispensing religious instruction to the community. What was that machinery? Had they made no preparation for religious instruction? No country had expended half the amount that England had in giving religious instruction to the people. If they took the Church and the Dissenting bodies, and considered that some ten millions were expended by them in giving religious instruction, they would see that the amount—and he did not think that he was over the mark in stating it—was twice as much as was paid by any other country. Now, it was not proposed to meddle with that fund; and he then asked, why that trepidation in reference to religious instruction—had they not already provided for it? The Bill of the hon. Member for Oldham only called on them to superadd to the religious instruction already provided, intellectual instruction, which even the hon. and learned Member for the city of Oxford considered necessary to the harmonious development of all the faculties. They already, if they did their duty, had the means of improving the spiritual faculty; and therefore he called on them to develop the intellectual, that both might combine for the benefit of the community. He could not see why hon. Members who supported the measure should be open to the charge of endeavouring to diminish the extent of religious instruction. The Sunday schools would remain intact, as would all other religious institutions. He could see no grounds for serious opposition. Surely the teaching of arithmetic, geography, and reading and writing, could not *per se* be deemed irreligious. In this Bill the religious part of the question was not at all interfered with, because they merely said they would give the ratepayer the power to establish schools to which his children might repair for the purpose of receiving such elementary instruction as would enable them to improve themselves and discharge the active duties of after life; in fact, place within the reach of the working man day-schools similar to those which the upper and middle classes sent their children to for secular instruction. Let him see the trader or shopkeeper who sent his child to a day-school for other purpose than to obtain a moral training and secular education to fit him for the pursuits of whatever station he might be called to. He felt certain that no national school system could be established that was not unsectarian; and in supporting the Bill, instead of lessening the chance of religious training, he believed they would be doing the opposite. He could not understand the principle that because they could not do everything they would nothing. He thought they ought to do as much as they could. Let them give secular education in the national schools, and leave to the religious communions and the ministers of the various persuasions that task which, he felt, their zeal would make them discharge with fidelity—namely, that of giving religious instruction. It was new to him to hear that it was the duty of the Church to teach reading, writing, and arithmetic. He conceived it to be the duty of the Church to teach revealed religion to their own congregation, but not to give secular instruction. If it were the duty of the Church to give secular instruction, then what a reproach to her, considering her enormous funds, must not the fact be, that of the population of England and Wales, 40 per cent of those who presented themselves for marriage were not able to write their names. Let the Church, then, deal with the moral and religious training of her own members; but he saw nothing to prevent the ratepayers establishing, at their own pleasure, by an equalised rate on property, schools to which their children might repair to obtain secular knowledge and instruction.

MR. NAPIER said, the Bill had been avowedly introduced for the purpose of submitting the principles involved in it to public opinion, and he was, therefore, anxious to meet it on this ground; and as hon. Gentlemen opposite were anxious to have an intelligent consideration of the question, hon. Members on his side claimed the right of having their views fairly and honestly put before the public; and if that were secured, he had no apprehension but that right would prevail. He had been at considerable pains in sifting the Bill, and extracting from it the real question, in order that it be fairly and honestly discussed, and he wished both sides to have a clear stage and no favour. He would state what he believed to be the principle of the Bill, and then state his objections —his only desire being to meet the case fairly on its merits, and then to leave the issue to the country. The principle, as he understood it, was this—that it is the duty of the Legislature to compel a provision for education which makes the exclusion of religion—not the omission — an essential element of its plan of combined instruction. He called on the hon. Gentleman who had moved the Bill, when he came to deal with this case in his reply, to apply himself to that specific proposition, and show from what source he derived authority to cast on the Legislature the duty of compelling a provision by a rate on the rateable property of the country for the purpose of giving to the people an education severed from religion—from which religion as a principle was excluded. The objection as to compulsion, he understood, was met by the assertion of a duty which they owed to the people; and he admitted that if such could be proved to be the duty of the Legislature, the objection would be met. And he was glad to find these important concessions made by the other side —first, that the voluntary principle was insufficient to supply the wants of the country with regard to education; and, secondly, a recognition of a duty imposed on the State to look to the interests of the people, and, if necessary, by compulsory provisions to perform that duty, wherever its nature and extent have been precisely ascertained. Surely it can hardly be said that it is a religious obligation to exclude religion. The very proposition furnished its own refutation. The question was put rather on what was called civil policy. They were told, as he had read in the report of a speech of the hon. Member for Oldham in another place—that there was an analogy between this and the poor-laws; and they were asked, while they had a compulsory assessment providing for the bodily wants of the poor, were they to give nothing whatever to the starving mind? Were the intellects of the people to be starved, and their bodies supplied? His reply to that argument was this—that while you fed the mind, you had no right to starve the soul. If their argument was good for anything, they must go further. Secular education was also defended as a means of preventing crime. Now, he wished to examine in what respect they had hitherto recognised it as a duty of the Legislature to provide for the education of the country, because when they were asked to substitute experiment for experience they ought to examine that experiment in all its details, and see upon what basis it rested. Without touching on controverted points in respect to the administration of funds, he asserted that, in substance and principle, it had been as a religious duty that the State had acknowledged this obligation, and in no other respect; and the very letter from Her Majesty, which formed the foundation of the recent movement with regard to education, expressed a wish that the people of these kingdoms should be religiously brought up, and accordingly religion was to be combined with the whole matter of instruction, and to regulate the entire system of the schools. The great and leading objection to the Bill was, that it embodied a principle antagonistic to that on which they had acted hitherto. They had acknowledged the religious duty of educating the people. This, as a Legislature, they had done; and to whom were they responsible? There was no power between them and the Supreme Power on high. Therefore, as a Christian Legislature, they were bound to honour God, and perform his will to the utmost of their legislative ability. This duty they had recognised, and had accordingly based on religion the education of the people. They could not serve two masters; they might choose between them. They might exclude religion from their schools, and give only a secular education, or they might make religion the basis of education; but to reconcile the two systems was impossible. "As men," said Locke, "we have God for our King, and are under the law of reason. As Christians, we have Jesus the Messiah for our King, and are under the law revealed by him in the gospel." It was upon that principle, not from any feeling of fanaticism, but on the sober principle of Christian piety, that they had hitherto acted with respect to education. They regarded the moral part of education as the important part, and the morals of Christianity as the highest form of moral principle. If, then, Christianity was something more than a fiction, how could they, a Christian Legislature, having to discharge a public duty, consent to this Bill, or what blessing could they hope to attend their labours? Therefore it was that the Government plan of education said that all intellectual instruction should be subordinate to the regulation of the thoughts and habits of the children for the doctrines and precepts of revealed religion. Assistance was given to the several denominations who acknowledged the duty of making religion the basis of their educational system. The scheme had been made as comprehensive as possible, but another sect it appeared was now to be added—those who required the exclusion of religion altogether; and it was by this small section of the community that they were now asked to adopt a principle antagonistic to that on which they had hitherto acted. The hon. Member for Oldham admitted that much had been done by the Church and by other religious bodies, and declared that he had no intention of disturbing the results of their efforts, but wished to add a supplement and extend the blessings of education still further. But it would be impossible for them, consistently with the principles which had guided them up to this time, to accede to his proposition. They were prepared to assist all denominations who acknowledged the duty of imparting religious instruction; but there they must stop—there they must put a limit to their exertions—beyond that, if they were asked to act in opposition to their principles, they must take their stand; for that was the true ground on which the Bill ought to be opposed, and on which the enemy must be met at once, in his first parallel, hand to hand and foot to foot. Before they were asked to break up the system on which they had hitherto acted, and sanction another and an opposite principle, it ought to be shown that some large and important portion of the community demanded the change, though he should still feel it his duty as Christian legislator to oppose the Bill, even though the whole country were against him. He had already observed on the analogy attempted to be set up between this case and the poor-law; but there was another very spurious argument to be anticipated. It was said that although the Bill excluded religion from the combined system of instruction for the poor, still it gave them an opportunity of having such religious teaching out of school as their parents might think proper. That, at first sight, certainly appeared a very plausible argument, and required to be answered. It was said you were not at liberty to impart religious teaching of which the parent did not approve. He took a far different view of the matter, for if the parent was unable or unwilling to perform the duty which they all acknowledged he ought to perform to his child, the State stepped in and lent its assistance, and standing as it were *in loco parentis*, gave such an education as it conceived a Christian parent ought to give. Was the State, with reference to the most important part of education, to accommodate itself to any opinions which the parent might happen to entertain, however false and however dangerous? Was it to give a child such an education as an infidel might approve of, and put a compulsory tax on the community for such a purpose? Parental authority derived all its force from God, and no parent could call on the State to be his accomplice in violating God's law. Had not Her Majesty the power of taking a child from its parents under certain circumstances, through the agency of the Court of Chancery? Instead of making sound religion the necessary basis of education, according to this Bill, it was to become a mere casual adventitious supplement, as the parent might think proper. It was sometimes argued that as you called on the people to obey the law, you ought to provide them with the means of knowing the law. By the constitution of the country they could make no binding law which was at variance with the word of God; and their very first duty, therefore, was to see that every child was made acquainted with the revealed will of God, that being the supreme law of the kingdom. The fifth section contained a proposal to present each child with a copy of the Holy Scriptures. He was delighted to see even this extorted homage to the law of God; but it reminded him of the barbarous nation which was said never to worship the sun in his meridian splendour, but to defer their adoration until its eclipse. This portion of the Bill was a monument to the power of conscience. The child, on receiving the Bible, might be startled to find that it taught the diligent instruction of the young in its truths; and recorded the privileges of one who from a child had known the Holy Scriptures, which were able to make him wise unto salvation. The hon. and learned Member for Sheffield, in the debate which took place on the last occasion, when the subject was before the House, enlarged on the effects of the Reformation in loosening the bonds which fettered secular instruction. He admitted that such had been its operation; and he was not one who feared secular instruction when accompanied with a corresponding amount of religious teaching. But the great glory of the Reformation was that it had opened the word of God. It had enabled them to know the will of God, and this it was which had made this a great and happy nation. Another ground on which secular education was vindicated was, that it prevented crime; but he feared that, unassisted, it was wholly unequal to accomplish that end. Different opinions were entertained on the subject, some contending that it was calculated to produce, and others that its effects would be to prevent, crime. If they merely expanded the intellect without reforming the heart, they would have gone but a very short way towards the accomplishment of their object. On this part of the subject he could not do better than read to the House an extract from the works of a very celebrated French writer, Quetelet. In his work, *Sur l'Homme*, he says—

> "In fact, the causes which influence crime are so numerous and so various that it becomes almost impossible to assign to each its degree of importance. It often occurs that causes which appear very influential, disappear before others which had scarcely at first been thought of. It is this which I have particularly proved in actual researches. It was too much preoccupied, I admit, with the influence which is ascribed to instruction in paralysing the inclination to crime. It seems to me that a common error pervades the whole of that which expects to find less crime in a country because it appears that more children are at school, or because more of the people know how to read and write. It is rather the moral instruction which must be taken into account, for very often the instruction received at schools only affords greater facility for the commission of crime."

He had no desire whatever to exclude or depreciate a secular education; but what they had now to discuss and to decide was, whether the State is either bound or at liberty to sanction the avowed and explicit exclusion of religion from the education of the people, and to compel a rate on rateable property for this purpose? Such a proposition he considered to be directly opposed to the public national duty of a Christian State. In relation to this subject he would take leave to quote an extract from the statement of a man who was one of the brightest ornaments of the University which he (Mr. Napier) had the honour to represent—he alluded to Dr. Robinson, who used the following language:—

> "I am not one who am likely to undervalue secular education. I mean not to boast of myself or my attainments; far be it from me—for never, when a discovery presented itself to me, never did I fail to give to God the glory, and to thank him for the power he he had given me to achieve it. With the exception of two or three of my more distinguishsd countrymen, there are none on this land—I say it here, simply and plainly, who surpass me in that kind of knowledgr; and yet I say here, in the presence of you all, as I say it in the presence of Him who sees the heart—that all I know, and I have ever learned, is as nothing in comparison to any one chapter of Scripture."

The noble Lord at the head of the Government, in one of his lucid intervals, had stated with true eloquence, that the secret of England's strength was in national Christianity. Secular philosophy is not its source or its support; the religion of the people is their power and their security. And never was there a time at which it was more incumbent on this House to show the enlightened religious portion of the public that here they had a voice and an echo of their sentiments. Not in fanatical zeal, but in sober sincerity, should this House earnestly desire "that all things may be so ordered and settled by their endeavours on the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established amongst us throughout all generations."

Mr. W. J. FOX said, that throughout this prolonged debate he heard nothing whatever that touched precisely the facts on which he grounded the necessity of this measure, or some measure of this description. The hon. and learned Gentleman who had just spoken could not have weighed the considerations on which he justified the expediency and necessity of the measure, or he would not have attributed to him the intention of merely wishing to raise a discussion upon an abstract principle. The hon. and learned Gentleman's speech was directed against a phantom of his own creation. He (Mr. Fox) had never proposed to exclude religion from education. He founded his attempt to do something for his fellow-countrymen, for the improvement of the instruction actually given to them, something for the extension of instruction to those now destitute of it, not on any abstract principle, but on the demonstrated necessity that something should be done. It was not his intention to demolish any existing systems of education in order to establish new ones, the absurdity of which experience had demonstrated, not merely in reference to education, but with regard to all kinds of reform whatsoever; but to ascertain how very complex and imperfect systems could be harmonised, purified and made to do a greater amount of good than they had hitherto effected. Such was the nature of his proposition, and, so far from excluding religion, it pre-eminently sought to retain the religious impulse for the diffusion of education. He appreciated quite as highly as the hon. and learned Member for the city of Oxford the results which had been produced by the religious impulse; but all religious impulses required to be watched, and more particularly as connected with education, lest what was called religion, but what should be more properly designated theology, should be made an instrument of proselytism, and lead to the perversion of education itself. The great fact on which he founded his proposition was, that after all that had been done for the extension of education in this country, it was still deplorably deficient, whilst its quality was lamentably inferior. He ventured to affirm that the principle of a theological education and the proselytism which was inseparably connected with it, had so far swamped other modes of instruction as to impair the effects of the religious principle itself as instilled into the minds of pupils by means of such imperfect instruction. The evidence which existed for that statement it would be difficult to gainsay. They had it in evidence that the number of persons who were unable to sign their names to the marriage registry amounted to thirty-one per cent of males, and forty-five and a half per cent of females. It appeared that the number of persons who two years ago were unable to sign the registry amounted to 42,429 males, and 61,877 females. This showed that the returns quoted by the hon. and learned Member for the city of Oxford required to have large deductions made from them. Again, the return of juvenile offenders in 1847, which had been made on the Motion of the hon. Member for Pontefract, showed that of 11,195 juvenile offenders, 4,738 were unable to read, and that of 14,756 juvenile offenders in 1848, no less than 5,200 were unable to read. These statements proved that whatever returns were made from the schools, the number of persons instructed was much smaller than could be supposed. And furthermore, they had to combine this with the startling fact, that, large as was the proportion of persons who were unable to read, it was not, after all, amongst the uneducated class that the greatest number of criminals was to be found. This was a most important and striking fact, and one to which he regretted the attention of the House had not been more largely directed. During the twelve years that had just elapsed—twelve years, he admitted, of magnificent exertions in the cause of education—this deplorable fact stared them in the face, that, whilst during these years the percentage of children who received instruction had increased, the proportion of offenders was considerably larger. It was thus to be accounted for. The fact itself proved incontestably that some defect existed in the educational system itself. It was necessary to have recourse to some such supposition in order to arrive at a reasonable solution of the circumstance. They found a religious education, as it was called, in existence; theological dogmas were inculcated, but it was evident that in the absence of the due training of the mind and character they had borne no fruit, and did not produce any deep impression with respect to the distinction between right and wrong. There was no magic in the repetition of mere words, by which they could make children moral, careful, prudent, and devout. Those who persevered in this fruitless course had not borne in mind the beautiful parable by which the fruitlessness of sowing seed in stony ground —where there was no intellectual soil for its reception and growth—was inculcated. But, furthermore, there was danger of a complete relaxation of the practical and actual powers of those to whom the education of the country was committed. It was resolved to make great societies the means of communicating education. What was the position of these societies? The National School Society was at war with the Committee of the Privy Council. The Catholic School Society was holding off, and was not yet in a position to receive any advantage from the national fund appropriated to education. There were divisions in the British and Foreign School Society. Here then were the main springs of these educational operations damaged, and in such a condition that they could not work as they had heretofore done. All this showed that something else was essential to put education again on its onward course. The inspector of schools for the northern district stated that one school out of every five was either defunct or in danger of becoming extinct; and he gave it as his opinion that the same was the case throughout the kingdom to a considerable extent. They had it reported to them that in the 1,300 and odd schools of the National Society there was school room for twice the number of children that constituted the daily average attendance. This again showed the estimation in which the present system was held. But it was assumed throughout the debate that a secular education meant the exclusion of religion. He denied that secular and religious instruction was necessarily opposed. He could well understand why the noble Lord the Member for Arundel should insist on such an opposition. But there was a religion which said that "the heavens declared the glory of God," and bade them "look to the lilies how they grew;" so that instruction in these matters was closely allied to religious truth and purity, and was opposed to the impious assumption that men could be led away from religion by studying the works of the Creator. It was his firm belief that the more the mind was furnished with intellectual truth, the better it was acquainted with the works of the Creater, the greator would be the disposition of the pupil's heart for superior religion. Instead of there being any antithesis between secular and religious education, he regarded them as auxiliary to each other. Well, then, it might be urged, why not unite them in the same school? His answer was that it could not be done in a country where there was such a variety of religious opinions. There was the difficulty, and with that difficulty they had to grapple. What each wanted was not so much to have religion inculcated as to have the religion which he himself professed—that was to say what he believed to be the true religion—taught in schools. But what was the true religion? Who was to be the judge of that? Was it to be a majority of that House? Was it to be the majority in the country? That could not be, for they had respected the consciencious scruples of the minority. He was quite correct, therefore, in saying that there were insuperable difficulties in the way of placing the instruction of the country totally and entirely in the hands of the Church. But besides this, the Church had another and a higher mission. It was the duty of the clergy to keep the people entrusted to their care from crime and sin —to catechise the children in their respective parishes on week days and on the Sabbath. The all-important concern of salvation was quite enough to exercise all the powers of those who were entrusted with the ministration of religion. But the business of teaching referred to the concerns of this world and not of another—it had to make good citizens, and not saints. The parson had no right to make the schoolmaster his proxy, and then come upon the liberality of the public for the payment of the schoolmaster. He was departing from his own most important duty when he turned aside to see how the schoolmaster executed his. Another reason why the Church could not perform this duty was, that it set limits to its influence by its own religious *formulæ*. Another reason was, that a system of national education required an outlay of public money, and the Dissenters would not submit to be taxed even for secular purposes if the money was to handed over to the Established Church. Another reason why he should be unwilling to leave the control of education in the hands of the Church was, that the perfect independence of the schoolmaster was essential to the imparting of a good education. It was said by Dr. Busby that he would not take off his hat in his schoolroom, even in the presence of the Sovereign; and in his opinion it would be vain to expect a good and perfect education where the schoolmaster was overshadowed by a clerical superior. He knew an instance where a teacher was rebuked for instructing a child who had not been baptised according to the ordinances of the Church of England. With a clerical superior thus watching and dictating to the teacher it was not to be expected that he could consider himself responsible for the due discharge of that important trust—the forming of the character of the rising generation. Then see the miserable stipends which they receive. Let them consider the advertisements which appeared every day in the newspapers for educated teachers at 48*l.* a year and less. Sometimes also their salaries were paid in a most degrading manner. He was aware of one case where the teacher had received a receipt book and was told to collect his salary himself from the subscribers if he could; and there was a printed form in the National Society's Schools for dismissing the master at a week's notice, and sending him immediately adrift upon the world. What could they expect but discontent under such a system? Could they have any other than careless teachers, or persons who were on the look-out for more profitable employment? He would now come to the partition of secular and religious education, and in doing so he would ask what had been the result in Ireland, where the national schools were strictly and properly schools for the promotion of secular education? because, whatever religious education was given, was given in another place at another time, and under different circumstances from the secular education. How had the system been found to work? Did it make the pupils less religious than those who had been instructed in other schools? That would not appear to be the case; for he had seen a report of the examination of pupils educated in the national schools of Ireland. And the examination declared that the religious knowledge of the pupils was equal, if not superior, to that which had been inculcated in other schools. He would read for the House high authority to show that secular and religious education might be kept separate and distinct, without any damage to religion. Here was the opinion of an eminent professor of moral philosophy in the University of Oxford (Dr. Hampden), who was afterwards made a bishop by Her Majesty's Government. He thus speaks, in a course of lectures delivered at Oxford in 1835:—

> "But since the separation of philosophy in general from theology, whilst other sciences have profited largely by their independent cultivation, there has remained a timidity of speculation in ethics, a backwardness to use that liberty of reason here, which has been so beneficially adopted in other branches of knowledge. There is a sort of superstition on the subject; the demons of impiety and profaneness haunt the imagination, when we contemplate the establishment of moral obligations, independently of the revealed will of God concerning a future state of existence. * * * * Thus, both Shaftesbury and Bolingbroke have shown, and I think unanswerably, that the principles of morality are founded in our nature, independently of any system of religious belief, and are, in fact, obligatory even on the atheist. * * * * But I intend, in asserting the independence of moral obligation on any religious sanction, to refer, in evidence of this position, to the indisputable instances which have appeared, of an upright tenor of life—of the duties belonging to the various relations of life—correctly performed by those who have wanted the higher inducements to right conduct, resulting from the profession of a better creed."

Here was the opinion of the Rev. Mr. Dalton, rector of Wareborne, Kent, as given in his pamphlet on national education:—

> "But the great fallacy of the day is 'the danger of separating religious from secular instruction.' A little reflection ought to have shown that this is one of the most fanciful contingencies that could be imagined. Religious and secular instruction are already separate; they are as separate and distinct as any two parts of the same whole well can be; and if they were not so they would not have different names. The task of separation is done to our hands; it is the task of uniting that remains to be performed, and care should be taken that this combination should not lead to confusion. It requires no small caution, in combining religion with anything secular, to preserve the religious element from desecration, and the secular from perversion. There is a great danger of having the forms of godliness substituted for the power thereof; let us be cautious of leading the young into the dangerous error that all religion is included in its forms. National education does not mean simply the education of the poor, for the poor do not constitute the entire nation. A truly national system must be so comprehensive as to embrace every class of society. The Church cannot undertake the direction of such a system for many reasons, but most especially for the very obvious one, that the Church is not co-extensive with the nation. Education is a question of religion, a question of morality, a question of health, a question of finance, and a question of police. To what ultimate power do we refer all questions of public morals, public health, finance, and police? Every one knows that the decision of such question is the proper function of the State, and that the State has been constituted to discharge such functions."

He had, perhaps, still higher authority—that of the Primate of the English Church. He did not mean to say that that Prelate's language implied an approval of his (Mr.

Fox's) scheme; but it showed that he considered that secular education could be imparted, separate from religious education, without any detriment to religion. [The hon. Gentleman here read an extract from a charge of the Archbishop of Canterbury to his clergy, in which he stated, that "the literary character of the schools depended on the schoolmaster, but its religious character depended upon the minister."] He chose to give the opinion of others who could not be suspected, rather than advance any of his own on the Motion; because he was well aware that if he did so persons would not be wanting to call him infidel and atheist. But he firmly and sincerely believed that the separation was in every way necessary to produce the full amount of good both as regarded religion and education. He did not wish to see persons thrown upon the world ignorant of the commonest everyday matters. He did not want an education which left persons ignorant of the number of ounces in a pound, of the number of inches in a foot, of the name of the reigning Sovereign, and who did not know whether the months of June and July were winter or summer months. He wanted an education which would enable the pupils in after life to steer their course steadily—which would not leave them unacquainted with modes of industry—which would save them from becoming the dupes of the demagogues or the fanatic—which would induce them, from moral considerations, to postpone the marriage connexion till they were in a position to maintain a family—which would teach them, in some degree, what it was the Legislature could do, and what it could not do, to elevate their position—which would impart those larger views of science which would give dignity to their operations in mechanics, or in the factory—and which would finally enable them to profit by the lessons of religion, as, no doubt, they would best be able to profit from those lessons if their minds were more expanded. He did not want the value of education to be deteriorated by the inculcation of sectarian opinions. He knew several instances where poor men, who knew the value of education, were obliged to forego strong religious scruples in order to obtain instruction for their children. It was not fair to take this advantage over poor but conscientious men. The working people of this country were ready to make sacrifices in order to obtain the blessings of education, and it was not fair or just that they should step between them and that desirable object, because they could not agree amongst themselves on their religious opinions. The education which was given on the Continent had been referred to, and it was said to be irreligious. He denied the fact. What was the case in Prussia? The children were instructed together in secular schools, but there were separate schools where the different sects were instructed in their own religious dogmas. Mr. Cay, in his late work, *On the Social and Educational Condition of different Parts of Europe*, says—

> "Four years ago the Prussian Government made a general inquiry, and it was ascertained that of all young men in the kingdom, of 21 years old, only two in every 100 were unable to read. The average age of marriage is about 35 for men. These statistics showed that in Prussia 1 man in every 16 who married is 45 years old, while in England only 1 in every 21 is 45 years old, and nearly half of the men married every year are not older than 20 years."

Then take France, and let them consider the result of the educational system there. Look at the words of the statute of April 25, 1834, upon the elementary schools:—

> "In all the divisions (of each school), the moral and religious instruction shall rank first. Prayers shall commence and close all the classes. Some verses of the Holy Scriptures shall be learned every day. Every Saturday the Gospel of the following Sunday shall be recited. On the Sundays and fast-days the scholars shall be conducted to divine service. The reading books, the writing copies, the discourses and exhortations of the teacher, shall tend continually to penetrate the soul of the scholars with the feelings and principles which are the safeguards of morality, and which are proper to inspire the fear and love of God."

M. Cousin, in his account of the Dutch schools, states that—

> "There is a total absence of all special instruction either in religion or morals. The educational arrangements are altogether independent of any church, and the schools are managed by local committees. By the law of 1806, religious instruction is separated from all free, poor, and private schools; and no instructor must interfere as to religion. We are informed that the Bible is not read in the schools; and that Jews, Catholics, and Protestants of different opinions, are instructed together. Children are permitted to withdraw at fixed hours to attend their pastor for religious instruction; but this is not imperative, being left entirely optional to the parents. This system has now been in operation forty years. The wide diffusion of the elements of knowledge among the Dutch, harmonises well with the general character of the people. They are proverbial for their economy, prudence, and attention to business; and they probably enjoy as large an

amount of physical comfort as any nation in Europe, if not the largest."

In the United States, in New Hampshire, where the population in 1840 was 284,574, there was raised for the year ending June 6, 1849, 149,237 dols. 49c. The total raised for schools was 159,430 dols. 38c. So far from levying an additional tax superseding private contributions, they had raised 160,000 dols., which was about 40,000 dols. more than was required to be raised by law, and 10,000 dols. more than was raised last year. In the State prison the total convicts were 94—under 15, 2; under 20, 17; there were 17 foreigners, and 45 natives of the United States. The public library had 600 volumes. In Massachusets the year's State expenditure on January 1, 1849, was 1,166,623 dols., and the towns contributed 795,706 dols. [Here the hon. Gentleman proceeded to read various details as to the number of schools, scholars, population, &c., of the previously named State, and also of those of Pennsylvania and New York.] What was the result as to religion? We had the statistics of all the different churches in the United States, and the returns of the communities of various religious denominations was in the proportion of one in five of the entire population—a state of things which the most zealous religious localities of this country would be very happy to see. He would not propose education as a panacea; other efforts should be made, but he would say this, that education was an essential condition, and that, without it, the best measures would be inefficacious. People were apt to be misled as to what most nearly affected their interests. And what had the country now before it? The lonely and dark precipice of a continuance of burdens that now pressed heavily; whilst by the knowledge of religious principles, they would give the first chance of enlightened, devoted loyalty, and they would have the great mass of the people first humanised and then christianised.

Mr. HUME rose amidst loud calls for a division.

Mr. SPEAKER interrupted the hon. Member, and said that it appeared that on the former debate on this subject, an Amendment had been moved by the hon. Member for North Northamptonshire, which was seconded by the noble Lord the Memfor Arundel. After the noble Lord there was the hon. and learned Member for Sheffield, then the noble Lord the Member for Bath, then the hon. Member for Pontefract, and then came the name of the noble Lord the Member for the city of London, which was followed by the name of the hon. Member for Montrose. So that the hon. Member had already made his speech.

Mr. HUME declared, amidst much cheering and laughter, that he was not aware he had spoken before.

Mr. MUNTZ wished to ask the hon. Member for Oldham whether he intended to abandon the compulsory part of his Bill? [Mr. Fox replied in the affirmative.] He had been brought up a member of the Church of England, and never having seen reason to dissent, he could have no objection to her conducting the education of the people, if he thought that possible; but an extensive acquaintance with the working classes led him to say that it was not at all possible. The working classes were against the interference of the Church. The question then was, should these children go uneducated, or receive a certain amount of education? Having employed a vast number of men in his own time, he could say without fear of contradiction, that there was a marked distinction between those who were thoroughly and those who were partially educated; the former were so much more open to reason, and easily managed. He doubted whether any education could prevent crime. The great cause of the increase of crime was the increase of privation. Sensible as he was to the advantages of education, he should give his support to the Bill after the statement now made by the hon. Member for Oldham; and whether the present measure were carried or not, he hoped the Government would take the matter into their serious consideration.

Question put.

The House divided:—Ayes 58; Noes 287: Majority 229.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Bass, M. T.
Berkeley, hon. H. F.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Cayley, E. S.
Clay, J.
Cobden, R.
Davie, Sir H. R. F.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Evans, Sir D. L.
Ewart, W.
Fergus, J.
Ferguson, Col.
Forster, M.
Fortescue, C.
Fox, W. J.
Greene, J.
Hall, Sir B.
Harris, R.
Henry, A.

Heywood, J.
Lushington, C.
Marshall, J. G.
Melgund, Visct.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Mowatt, F.
Muntz, G. F.
O'Connell, J.
Pechell, Sir G. B.
Pelham, hon. D. A.
Romilly, Col.
Russell, F. C. H.
Sadleir, J.
Scholefield, W.
Smith, J. B.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Williams, J.
Willyams, H.
Wilson, M.

TELLERS.

Gibson, T. M.
Hume, J.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Alcock, T.
Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrington, Visct.
Bellew, R. M.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Best, J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Boyd, J.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Bromley, R.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burrell, Sir C. M.
Busfield, W.
Buxton, Sir E. N.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chaplin, W. J.
Chatterton, Col.
Chichester, Lord J. L.
Childers, J. W.
Cholmeley, Sir M.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Coke, hon. E. K.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Copeland, Ald.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Crowder, R. B.
Cubitt, W.
Currie, H.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Denison, E.
Denison, J. E.
Devereux, J. T.
Disraeli, B.
Dodd, G.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, W.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, E. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hildyard, R. C.
Hildyard, T. B. T.
Hodges, T. L.
Hood, Sir A.
Hope, H. T.
Hornby, J.
Hotham, Lord
Howard, Lord E.
Howard, hon. E. G. G.
Hudson, G.
Hutchins, E. J.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Law, hon. C. E.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
Masterman, J.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Monsell, W.
Moody, C. A.
Moore, G. H.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mure, Col.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Norreys, Lord
O'Brien, Sir L.
Ogle, S. C. H.
Oswald, A.
Packe, C. W.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Pendarves, E. W. W.
Pennant, hon. Col.
Perfect, R.
Pigot, Sir R.
Pilkington, J.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Powlett, Lord W.
Price, Sir R.
Prime, R.
Pugh, D.
Pusey, P.
Reid, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Romilly, Sir J.
Rushout, Capt.
Sandars, G.
Sandars, J.
Scully, F.
Seymer, H. K.
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Sotheron, T. H. S.
Spearman, H. J.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Staunton, Sir G. T.
Stuart, H.
Stuart, J.
Sutton, J. H. M.

Talbot, J. H.
Taylor, T. E.
Thornhill, G.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, J.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Whitmore, T. C.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, W. P.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.

Arundel and Surrey, Earl of
Stafford, A.

Words added.

Main Question, as amended, put, and agreed to.

Bill to be read 2° on this day six months.

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 6, 1850.

MINUTES.] PUBLIC BILLS.—1^a Titles of Religious Congregations.
2^a Parliamentary Voters (Ireland).
3^a Fees (Court of Common Pleas); Sunday Fairs Prevention; Exchequer Bills; Sunday Trading Prevention.

AFFAIRS OF GREECE.

The MARQUESS of LANSDOWNE said: My Lords, I feel myself under the necessity of calling the attention of the House, and particularly the attention of the noble Lord opposite (Lord Stanley), to the Motion of which notice has been given by him for to-morrow, and with respect to which I think it would not be doing justice to the noble Lord or to the House if I should not mention the existence of certain circumstances attached to the period at which the Motion is proposed to be made, which, in my opinion, would make it unadvisable that the Motion should be brought forward to-morrow. I think it right to state that communications have, within the last week, been going on between this Government and the Government of France, the result of which I certainly had hoped it might have been in my power to state to the House to-day or to-morrow, and thereby obviate the necessity which I now feel of submitting to the noble Lord's judgment whether he would bring on his Motion to-morrow. But I am so far disappointed in my expectation, that I cannot state that those communications have, at this moment, led to any result. At the same time, I have no hesitation in saying, and I am sure the noble Lord will take my word of honour for the truth of the assertion, that those communications are, in our expectation, likely to lead to a satisfactory result, and that the result, whether it be satisfactory or unsatisfactory, cannot fail to be known in the course of a very few days. Undoubtedly, under these circumstances, in my humble opinion, the discussion of the subject, the importance of which I do not wish to undervalue, might be attended with injurious consequences at the present moment, with reference to the state of these communications. Having made that statement to the House, and assuring the noble Lord that it would be my anxious wish that the discussion should come on to-morrow, if possible, and having no motive for not making this communication before, other than the hope that I might not be placed in the circumstances of being obliged to ask him to postpone his Motion, I venture to hope that, upon consideration of the subject, he will be led to defer this Motion for a few days. If he will do so, I will state that any arrangement that can best accommodate him and the House on the subject, I shall feel most happy and most ready to make.

LORD STANLEY: My Lords, I am prepared to do full justice to the moderation of tone, and the courtesy which the noble Marquess has shown in making this communication and request. But I must be pardoned for saying that he has really strained to the utmost extent that Parliamentary courtesy which any noble Lord may be disposed to yield to the request of the Government. The noble Marquess will not forget that upon a former occasion, not upon the preceding day, but at the very moment when I rose to propose my Motion, I was met by a request similar to that which he makes now, that I would postpone it, because, as he said, we should be debating across this table a matter which would in all probability be settled in the course of a few days elsewhere across another table between Baron Gros and Mr. Wyse. Now, my Lords, since that period six or seven weeks have elapsed, and the affairs of Greece have been brought, as we thought, to a conclusion, Her Majesty's Ministers having laid upon the table all the papers that they thought necessary to lay before this House. The ransom of the ships, and the satisfaction of the claims, having been actually paid, and our fleet having been withdrawn, I did hope that the time had come when, without objection or remonstrance, I might ask your Lordships to pass a judgment and give an opinion upon what has occurred. I gave notice of the Motion some ten days ago, and it is not until now, upon the eve of the Motion, that a request is made which, urged as it is by the noble Marquess upon the part of the Government, I find it hard to resist, that I would postpone it on account of negotiations still pending, which might be injuriously affected by the discussion. Now, it is undoubtedly true, that in the course of that discussion I would have to touch upon some of the transactions which have more recently taken place between the Governments of this country and of France. But that would form only a portion of the matter on which I should have to ask for your Lordships' opinions and votes. It will not be so much upon the merits of the controversy between the two Governments of France and England that I shall have to address your Lordships, as upon the original demands which our Government made on Greece, the manner in which they have enforced those demands, the justice of the demands, and the danger arising from the manner in which they have been enforced, and of placing our friendly relations with foreign Powers generally, and with France in particular, in jeopardy. For these reasons I would be most unwilling to postpone, even for a single day, the Motion of which I have given notice; but if the noble Marquess is prepared to say, upon his responsibility as a Minister, that a settlement of great importance for the peace of Europe is upon the point of being come to, and that within the space of three or four days, at farthest, it might be expected to be settled or abandoned, and if he will say that, under these circumstances, the discussion of this matter to-morrow would interpose serious difficulties in the way of coming to a satisfactory settlement, I would say that that is a reason to which all considerations of party feeling or personal convenience must give way. And if the noble Marquess is prepared to make the declaration in his place, as a Minister of the Crown—if he will say that in the course of the next week this matter is to be settled between Her Majesty's Government and the Government of France, I will consent, though with reluctance, to postpone the Motion of which I have given notice for to-morrow. But this I wish him particularly to observe—that I am to understand that, settlement or no settlement, on Monday se'nnight the discussion shall be brought on. I hope the noble Marquess will give this assurance; for I think that it is injurious to the public service, and unjust to the case itself, that this question should be postponed until the public interest in it shall have slackened, and I, therefore, trust that he will not ask for any further postponement.

The Marquess of LANSDOWNE: My Lords, in my own defence I must refer to the former occasion on which I had to ask the noble Lord to postpone his Motion relating to Greece. I certainly made that request when he was about to bring it on; but then he had only given notice of his intention to do so on the preceding night. I therefore had no opportunity of asking him to postpone it until the day which he had appointed for it. But with respect to the present request, it is one which I have made with the greatest reluctance. I have been encouraged to hope, up to this very morning that I should not be under the necessity of making it. With regard to the noble Lord's demand, I have only to say, on my responsibility as a Minister, that it might be, in my opinion, attended with injurious consequences if the discussion should take place at a moment when communications with the Government of France are leading to a result which I humbly hope may be satisfactory. Beyond that I cannot go. And when the noble Lord uses the expression, of danger to the peace of Europe, I am not prepared to say that the differences now existing between the Governments are of such a nature as that, even if the pending communications should not lead to a satisfactory conclusion, the peace of Europe would necessarily be thereby endangered. But our great anxiety is to bring this question to an end with the goodwill, the concurrence, and the cordial co-operation of the French Government. We wish to act in perfect good faith, and it has been our sincere desire throughout to co-operate with the French Government with respect to the terms made with Greece. I hope I have said sufficient to satisfy the noble Lord. I accept, of course, his determination, after what I have said, and I beg to add that I have not been at all surprised at his anxiety to bring it on. I wish to give him every facility in my power, and I therefore most readily admit that the objections which I now make to the discussion of the question to-morrow cannot hold good after another week. I shall certainly, under no circumstances, renew this application.

LORD STANLEY: Under these circumstances, my Lords, I shall postpone the Motion I have on the paper for to-morrow, respecting the affairs of Greece, until Monday se'nnight.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order of the Day for the Second Reading read.

The MARQUESS of LANSDOWNE, in moving the second reading of the Bill, said, although he had reason to believe that no opposition was intended to be offered to the second reading of this Bill, because on various occasions in both Houses of Parliament, and more particularly in the other House of Parliament, the present state of the franchise in Ireland had been admitted to be most unsatisfactory, and because from recent circumstances, that state had become still more in need of improvement; yet he nevertheless felt that on a subject of so much importance he might well claim their Lordships' attention for a short time while he explained the grounds on which this Bill was proposed, and the nature of its provisions. Their Lordships were well aware that the foundation of the constituency of Ireland had been from a very early period connected with a freehold occupation. So far back as the reign of Henry VIII., the Irish franchise was declared by Act of Parliament to belong to freeholders possessed of 40*s.* a year. Under various changes connected with alterations in the constitution of the government of Ireland, that franchise continued to be exercised in that part of the united kingdom, until about the year 1792 or 1793, when the Irish Parliament took the subject into their consideration, and decided on admitting the Roman Catholic portion of the population to a participation in the benefits of the franchise; but still the right of voting for Members of Parliament was kept in the hands of freeholders having 40*s.* a year, but with this qualification, that they should claim to have their right of voting registered before being allowed to exercise the franchise. He had never ceased to lament that when the privilege of voting for Members of Parliament was extended to Roman Catholics, and an enormous addition thereby made to the constituency of the country, that the opportunity was not then taken advantage of for placing the franchise in a more satisfactory state by limiting it in a certain degree. However, the event was not so taken advantage of, and he grieved to say that the retention of the 40*s.* freehold franchise, with the enormous addition to the constituency which followed from the admission of the right of the Roman Catholics to vote, was attended, in his judgment, with consequences permanently injurious to the interests of Ireland. A temptation was held out for an enormous increase in the number of these small freeholds, and also for a vast increase of perjury and bribery, and of contrivances to obtain what was called a strong Parliamentary interest. To this source he attributed a great portion of the evils which had since afflicted Ireland. The system led to an enormous amount of perjury—to a desire to make fictitious votes—and to a general laxity of all the principles that ought to influence the electors in the choice of their representatives, operating in its results in a mode noxious above in its reference from the landlords to the Government, and noxious below in its reference from the landlords to the tenants. But after the legislative Union, and after the expiration of many years, the state of the Irish constituency came to be considered as he always thought it ought to have been considered. A most important Act—the Roman Catholic Emancipation Act—was passed under the Government of the noble Duke* at the table, and it was then thought reasonable that the right of voting should be considerably restricted. Whether the precise amount fixed at that time was a proper limitation or not, was not a question for present consideration, because by changes which had since taken place in the condition of Ireland, the extent of the constituency as then fixed had been most materially and unreasonably reduced. After the changes produced by the famine in Ireland, and the altered circumstances of the population, it was impossible but that great changes in a qualification based upon property must have taken place. After the Act to which he had referred, what was called the Irish Reform Act was passed, and produced a new description of voters, the 10*l.* leaseholders, in Ireland. By that arrangement the right to claim the franchise was conferred on any person holding under lease, whether for fourteen or for twenty years, to a certain amount of property. But that addition to the constituency had also fallen away under the circumstances of the times, and he believed it was now universally admitted that in point of numbers the county constituency was much below what it ought to be. He was not prepared to say that the number of electors in Ireland ought to bear a certain proportion to those in England and Scotland. He would not say, and he never had said, that there were not differences between Ireland and this country which should not be lost of in considering this question; but this he would say, that if they were to have a representative government for Ireland, they ought to have one that would bring into Parliament the real sense and opinions of the people of that part of the united kingdom. He need not refer to the borough constituency, because it was hardly proposed to touch it by the present Bill; but with regard to the county constituency, the necessity of revision would be apparent when he stated that it had actually sunk to a smaller amount for all the counties in Ireland than the borough constituency of the country. By the latest returns it appeared that the number of electors had actually fallen to be in the proportion of not more than 2 per cent of the population. It was, in fact, not more than 300,000 for the whole of the counties of Ireland; and during the past year even this number had been in course of rapid diminution. He had now only to state, as briefly as he could, the mode in which the Bill proposed to remedy this evil. It proposed, in the first place, to get rid of the existing system of registry—in other words, to get rid of that which had been a most fertile source of corruption and of intrigue on the part of individuals who wished to possess the right of voting, often for the worst purposes; and if the Bill had no other object in view but that alone, it would be entitled to their favourable notice. It was proposed to substitute for that system a rating to a certain amount under the poor-law. The Bill provided that the clerks of the peace should prepare lists from the ratebooks of all persons who were entitled to vote by being rated at 8*l.* a year and upwards; and an important condition also was, that the party should have paid his rates. With regard to the borough franchise, no change was contemplated, with the exception that those who were now entitled to vote as householders should be subject to the same test as the county voters, and should not be required, as at present, to pay their municipal rates in addition to the poor-rates. There were other clauses in the Bill, but they were of less importance than the two points to which he had referred, and it was unnecessary for him to refer to them in detail at present. It might, however, be for the convenience of the House if he should say that there was one clause in this Bill, namely, the second, of which he should fairly acknowledge, if any objection were offered to it, he would be at a loss for any reasons to defend it, inasmuch as he had at all times felt it to be his duty strongly to discourage, and not to encourage, the system of joint occupancy. With these observations, and on these grounds, he begged to move the second reading of this Bill.

Lord STANLEY said, there were certain parts of the Bill to which he was prepared to give his entire concurrence, and which he thought a great improvement in the existing law. He cordially gave his assent to those provisions which altered the registration of voters in Ireland, and assimilated it in that respect to the law in England. It might be in the recollection of their Lordships that he had, in the other House of Parliament, some eleven or twelve years since, vainly endeavoured to introduce a measure for that purpose. He also concurred in the recitals of the evils that had arisen from the present system, and he believed he was justified in saying that the only reason it was not altered at the passing of the Irish Reform Bill was, that reform was looked upon as a great experiment in England and Scotland, and that there was consequently no justification under the circumstances for disturbing the existent system, which had only been brought into operation some ten or eleven years before. But his approbation of the Bill ended with the alteration in the system of registration; because he felt bound to state that so dangerous was the principle it introduced—so calculated was that principle to work the greatest injury in practice—not alone to the constituency of Ireland, but to that of the country at large—so flagrant were the consequences which he foresaw would flow from its adoption, not only to the principle of the franchise, but to the mode of exercising the franchise, that unless very large and most material alterations were made in the Bill, no advantage to be derived from an improved registration would be sufficient to induce him to abstain from calling on their Lordships to reject the measure. The noble Marquess had stated that there was a great falling off in the county constituency in Ireland; he had also truly stated that by the Emancipation Act a considerable increase had been made in that constituency; and with equal truth he had admitted that there was an immense reduction in the constituency within the last two years; but that circumstance, in his (Lord Stanley's) opinion, afforded the feeblest grounds for the great constitutional change now proposed. "It could not be denied," said the noble Marquess, "that the sufferings of the people of Ireland in the last year, and the great depreciation of landed property in that country," he might have added, caused by the impolitic measures of Her Majesty's Government, "had produced a decrease in the constituency of Ireland." But we were told by Her Majesty's Government day by day that these were exceptional causes, and that if Parliament only proceeded in its present system of legislation, Ireland would rise like the phœnix from her ashes, and property be increased beyond the power of present calculation. It might be so; but if this decline was an affair of three or four years, how could the noble Marquess on that calculation lay claim to a right to alter the existing franchise by the substitution of another which not alone met the depreciation that now prevailed, but was to endure for all time and under all circumstances, when property had recovered itself? But he (Lord Stanley) believed that the decline of the county constituency in Ireland was attributable to other causes as well as distress. The noble Marquess stated the whole constituency of Ireland at something under 30,000, and something over 27,000. Immediately after the Reform Bill, if he (Lord Stanley) recollected aright, it was 59,000 and some odd hundreds. In Ireland the system of registration was octennial—the voter obtained a certificate at the registration which lasted for eight years. Every eight years there was, therefore, a general registration of the constituency, though there were opportunities of registering at quarter-sessions in the meanwhile. The first of the occasional periods was in 1832, the second in 1840, and the third in 1848. In 1832, immediately after the Irish Reform Bill, the number of electors registered for Irish counties was about 52,000. But in 1847, so far from diminishing, the county constituency had risen to 61,000. Then came the octennial period of 1848, and the constituency of the counties suddenly fell to 34,000 in that year, and to 27,000 in 1849. This diminution arose, in 1848, from the fact of persons not registering being deprived of their vote by the efflux of time. That period succeeded to a general election; there was, therefore, no political stimulus to registration. It was also a period when the severest visitation that had ever afflicted any country fell upon Ireland, when the daily bread of the people had been destroyed, when thousands were perishing for want of food, and every one thought only of alleviating his own sufferings, without concerning himself with other subjects. Was it surprising, then, that no attention had been paid to registration, and that numbers of persons had dropped from the registry? This, however, did not entitle any one to come to the conclusion that these persons represented those who were alone entitled to claim a vote. On the contrary, from the best information he could collect, he was able to state that in counties where there were not more than 800 or 900 persons on the registry at this moment, there were 3,000, 4,000, and even 5,000 persons qualified to claim a vote. In fact, the number appearing upon the registry was no test, because it was impossible that in the short space of two years the condition of the country in respect to property could be so reduced as to cause a diminution of more than one-half in the number of the constituency, from 61,000 to 27,000. Freely as he admitted the disastrous effects of poverty in Ireland, he could not admit that this was anything else than an exaggeration very much beyond the truth. The real cause of that reduction was the fact that the Irish constituency, and especially the small farmers, had something else to do for the last two years besides political agitation; they had, moreover, had enough of it—they were sick of it—they did not desire the franchise, because they saw it brought them only evil, and they refused to register for the sake of escaping that which they did not deem a boon. They had no confidence in the men whom they were compelled to return as their representatives, and therefore they would not take the trouble to seek the franchise. If the House wanted any corroboration of this fact, he would refer to the statements of the noble Marquess himself. The noble Marquess stated that the county constituency had fallen from 61,000 to 27,000, but the borough constituency had increased from 9,000 to 11,000 and upwards. If poverty alone was the cause of the diminution in the former, it should equally affect the latter. But the real fact was that in the boroughs the elector was placed on the registry by others, and without any application on his own part, while in counties the same application as in England was necessary on the part of the voter. That was the cause of the increase in the borough constituency. But what was the course intended to be pursued by the Government? They took two propositions, each of which was highly objectionable and fraught with danger. One was to compel men to be voters, whether they wished it or not; the other was to adopt a form of franchise varying from that in use in England and Scotland at this moment. They excluded all considerations of property whatsoever, and made the mere fact of occupation—no more permanent tenure—on a rack rent of property rated to a small amount, a test of the franchise. Although it was not, as he had stated, his intention to oppose the second reading of the Bill, he felt the danger of the measure to be so great, and its effects likely to be so injurious, that he considered himself bound to state his objections to its fundamental principles as regarded the franchise at that stage of its progress. The county franchise in Ireland was fixed at too low a rate in the Bill. In boroughs 8*l.* might practically represent 10*l.*; but it was not so in counties. The noble Marquess regretted that the 40*s.* franchise had not been abolished at an earlier period; and he (Lord Stanley) agreed with him in that regret. If it had been, the social and moral condition of Ireland would have been improved, and the country and its people greatly benefited. The noble Marquess did not, however, propose to go back to the 40*s.* franchise certainly; but he proposed to introduce a class of freeholds in fee of the value of 5*l.* a year as conferring a claim to the franchise. Before last year, such an alteration would have had but little effect; but the Act of last Session enabling leases of lives renewable for ever to be converted into fee simple, would no doubt bring this clause into practical operation. But whether the amount was 40*s.*, or 5*l.*, or 10*l.*, as in England, it had been at all times required heretofore that a certain amount of property should be possessed by the voter. With respect to leaseholders, was Ireland unjustly treated as compared with England and Scotland? In England the franchise required either a 50*l.* profit over and above the rent-charge on a 20 years' lease, or a 10*l.* profit on a 60 years' lease. In Ireland they were satisfied with a 10*l.* profit on a 20 years' lease, or of a 20*l.* profit on a 14 years' lease, but with these two kinds of franchise was combined the necessity of occupation. There was a very extensive franchise in England, to the application of which, under fair conditions to Ireland, he did not object—he meant that under the Chandos clause, under which a tenant at will paying 50*l.* a year was entitled to the right of voting. But that proceeded in England on the assumption that the tenant had a certain profit over and above the rent, and he was taxed according to the profit he derived. A tenant paying 50*l.* a year rent would be assumed by the law to have a profit or beneficial interest of 25*l.* in his holding. The profit required in Ireland was in all cases infinitely lower than it was in England. But they were now about to introduce a new system with respect to the whole of the Irish constituency, namely, permanency of lease, and a profit over and above rent and charges, which was absolutely nought and of no account. But to whom were they about to give that, and what was the nature of the constituency they were about to introduce into Ireland? He thought it very desirable, as the noble Marquess had remarked, that in a representative system they should have a large constituency. But in a limited population they had only a certain number of persons in a situation to give a prospect of a really good independent, solvent, and substantial constituency; then he said that by such a measure as the present they were about to give up all the elements of substantiality, and to sacrifice everything to mere numbers. He could not think that a wholesome or safe principle. The question was not one which merely affected Ireland alone. The proposed system would affect one-sixth of the representation of the united kingdom, which must have an immediate effect also upon the constitution of the House of Commons, and through that upon the constitution of the country, upon that of their Lordships' House, and of the Monarchy itself. If they should have an unsafe and low constituency in Ireland—a class of persons subject to undue influences, not capable of exercising their franchise independently, or of forming anything like a judgment, but subject to all manner of sinister influences; and if they introduced into the House of Commons a body of representatives one hundred in number, elected by such a constituency, it would not be long before they commended the poisoned chalice to their own lips. Let them infuse those materials into the composition of the House of Commons, and those materials so infused, would not be satisfied until they had extended still further that same principle with respect to the English portion of that House; and the continued force of the democratic element in the constitution of the House of Commons would gradually and surely undermine the constitution of the country. He entreated, therefore, their Lordships by all means to consider what was the nature of the constituency they were about to introduce into Ireland. Let them not for the sake of numbers sacrifice respectability and substance—throwing in any rubbish to make up the amount. He was told that in the large and populous county of Mayo there were not a thousand persons who were above the condition of paupers. That was an exaggeration. But grant that it was not an exaggeration. Was that a reason why they should be entrusted to vote for the return of the representatives of the county to the House of Commons? It came to this then—that they abandoned the element of property in the qualification of voters altogether. But again, it was most important to consider what was the true proportion which the different classes of constituents they were about to introduce would bear to each other. A tenancy at will, with an 8*l.* rating, was to be the test of the county constituency, so that a man occupying a cabin in a small town, and renting a couple of cows' grass in the country district immediately adjoining it, because he possessed that right, of which he might be deprived at any moment, was to be placed, by no act of his own, upon the county register. Was that an independent or good class of voters? Were their Lordships prepared to extend to that class of voters the right of voting for a county in England? and if not so, how were they, in the point of principle, to draw a distinction between the two countries? So, whilst they abolished the test of property and tenure in Ireland, they would still retain that test for England. How could they object to the application of the same principle to England, which they were about to establish in Ireland. A man who held four or fives acre of land, for which he paid 9*l.* or 10*l.* rent, but for which he was rated at 8*l.*, although he was a tenant at will, rackrented, and paying a greater amount of rate than the poor-law valuation requires, that man they placed upon the county constituency. What proportion would the lowest class of constituents bear to the better class? The number of qualifying tenements for counties in Ireland, exclusive of the boroughs, was about 334,000, giving an average of 11,000 for each of the 32 counties. The number of voters for each county in England averaged between 5,000 and 6,000, and for each county in Scotland between 1,000 and 2,000. In Ireland above one-half of those 334,000 holders were persons who occupied land of the value of less than 15*l.* a year. Thus the number of holders below 15*l.* would more than counterbalance the number and influence of those rated above that sum on any question affecting the rights of property. Most of them were tenants at will, occupying eight or ten acres. Could that be considered an independent constituency? Would they regard it as an independent constituency in England? Why, a great deal was said about the dependence of the 50*l.* tenant at will. But the class of voters now proposed to be created in Ireland was composed of mere cottiers. But it was not even a popular representation, it was a nominal representation, like the old 40*s.* freeholders—very large in numbers, and in which the voters were driven up like a flock of sheep to the poll. In England, the landlord exercised this influence, but in Ireland he would not: the influence would be exercised by the Roman Catholic clergy, and in the north by the Presbyterian clergy. Was it wise, was it safe, to compel those unhappy persons to place themselves in that position in which the influence of the landlord was drawing them one way, and that of the priest, or of the Presbyterian clergyman, another? How was it possible they could exercise an independent judgment against such influences and dictation? One of the great causes of the diminished number of the Irish constituency, was the apathy of the people with regard to the registration of the franchise. The franchise, in fact, was not a boon to them, but an infliction; and although there might be an unwillingness on the part of Irish landlords to grant leases, there was no less anxiety on the part of the small holders there to escape the obligations pertaining to a lease, for this, amongst other reasons—that by not having a lease they could not be called on to vote. But now they were going to give them a vote whether they desired it or not. The most respectable constituency consisted of the substantial class of farmers, who were tenants at will; and he believed the addition of that body would be an improvement to the constituency. But let them not compel them to register. If a person chose to go upon the register, let him do so; but let them not force him to exercise an invidious privilege—a privilege exercised not upon his own judgment, but at the dictation of the landlord or the priest. Much of the good feeling which existed in many places in Ireland between the landlord and tenant, arose from the fact of the political element not having entered into the relations subsisting between them—because there was not a voter on the property, there was harmony between landlord and tenant—compel the tenants to become voters, and exercise the franchise exposed to the influences of the landlord or the priest, and immediately heartburning and dissatisfaction would be introduced between tenant, priest, and landlord, in a way and to an extent which the Government did not contemplate. To so much, then, of the principle of the measure he greatly objected—he objected to the abrogation of all property as a test of qualification, and to the low amount at which it fixed the franchise. He objected to the introduction of the principle that the possession of property should be no element in the right to vote, and also to compelling the voter to be placed on the register, whether it was his own act or not. They compelled all the lowest class of voters to be placed on the register; but with regard to the higher class—to the non-occupation franchise—the freeholders—they left it to them to make application to be put on the register; and supposing the same apathy with regard to the political franchise to pervade all classes, high and low, the result would be that the higher class not making application would not be registered, and their constituents would consist entirely of the lowest class of voters. He objected also to taking, as the single test of qualification, the amount of rating, but to that objection the amount of rent would be equally liable. But there were other considerations—the amount of rent taken up on the same principle as in England or Scotland, would be a better test of the condition of the tenant at will than any amount of rating. In the local taxation, for the purposes of the poor-law, it was immaterial whether the amount of rating was fixed at 10*l.*, 15*l.*, or 20*l.*, provided all a man's neighbours were rated upon the same scale; but in consequence of the different proportions of the rating, and the valuation of property throughout Ireland, it formed a very material consideration when it was made the test of the qualification for the franchise. The valuator, by taking a fictitiously high price of valuation, could exclude, or by taking a fictitiously low scale could include, in the register persons that would be otherwise not affected. They would thus introduce into the administration of the poor-law abuses arising out of the connexion of political elements; and certainly there was little need for the introduction of any greater difficulty on that subject. He was told that an Act might be passed, adopting Mr. Griffith's principle as a basis, which would give more equal valuation. But that did not profess to be more than a proximate valuation, founded upon an imaginary scale of prices, corresponding with the official and the declared value of goods exported. Mr. Griffith's valuation was founded on the assumption that the price of corn was 50*s.*, whereas it was now but 30*s.* Having said so much on the principle of this Bill, he would not now offer any opposition to its present stage. He foresaw much danger from it to the social condition of Ireland, to the political representation of Ireland—danger to the constitution of the House of Commons, where the dangerous elements it would introduce would be always working for their own extension, and thereby undermining its constitution step by step. He felt so strongly the impolicy, injustice, and imminent danger of the measure, that it was only in deference to the opinions of those who were more sanguine than himself, and that he might not give their Lordships any unnecessary trouble, that he waived his own anxious desire to ask their Lordships to reject the second reading of the Bill; but unless the dangers he foresaw from it were removed by material alterations in Committee, he should object at the last moment, and call upon their Lordships to pause before, by passing the Bill, they inflicted irreparable injury upon the British constitution.

EARL GREY said, as the noble Lord did not mean to object to the second reading of the Bill, and there would be ample opportunity for discussing the details in Committee, it would be unnecessary for him to address their Lordships at any length. Some of the observations made by the noble Lord, however, seemed calculated to create so unjust a prejudice against the measure, that he could not allow them to remain without some notice. The noble Lord had not denied the necessity of taking some measures to correct the great diminution in the number of voters in the Irish counties. The noble Lord, however, appeared to have misunderstood the noble President of the Council (the Marquess of Lansdowne) in supposing him to have attributed that diminution merely to the distress which had existed in Ireland for the last three or four years. What the noble Marquess had stated was, that that diminution had been in progress from other causes, but had been increased by the effects of the famine. The noble Lord, in his opinion, had fallen into a much greater mistake in attributing the great diminution of the Irish constituency almost exclusively to the indisposition of those who were entitled to vote to place their names upon the register. The noble Lord said it was impossible to suppose that the number of persons possessing the requisite property qualification had diminished to the same extent as the number of voters; and he accounted for the diminution on the ground that the lower class of Irish voters found themselves in so painful a position, between their priests on the one hand, and their landlords on the other, that they purposely neglected to renew their registration. There was, however, another cause to which the noble Lord did not advert, but which he believed had a still more extensive operation—he meant the great indisposition which existed on various grounds among the landlords of Ireland to renew leases. Under the existing law the franchise was dependent on the fact of the voter possessing a lease; and the indisposition to create votes had led to the refusal to grant leases. He considered this a strong objection to the existing state of the law. He thought it of the greatest possible importance that land in Ireland should be held upon a secure tenure; and if, by the mode in which the franchise was given, they created an indisposition on the part of the landowners to grant long leases, they established what he regarded as no slight obstacle to the improvement of that country. The noble Lord had proceeded to find great fault with the principle of this Bill, and had said that in England the county franchise was mainly dependent upon the possession of property—in fact entirely so—because the 50*l.* tenants at will, he argued, had the right of voting conferred upon them, on the assumption that they derived certain profits. The noble Lord objected to the principle of making the right of voting depend upon the mere occupation of property to a certain amount. He (Earl Grey) was not prepared to deny that it was desirable, if possible, that the county franchise should be to a great extent connected with property. He was as anxious as the noble Lord to create a body of voters in Ireland possessing property, analogous to the smaller voters in England; but they must not forget this most important consideration—that it was absolutely necessary, if they wished representative government to work properly and fairly, by some means or other to confer the right of voting upon such a proportion of the population that it might be a really popular institution. It had been truly and justly said, that a nominally representative government, resting upon too narrow a basis, was, of all governments, the worst and the most dangerous. He thought the experience they had had in Ireland during the last few years was enough to convince them of the extreme importance of leading the Irish people to look up to their representatives as persons who really and truly expressed the feelings of the great bulk of the population. In England, as their Lordships knew, that was the case; for even those who were most clamorous for further changes could not deny that the English representation, as a whole, was identified in sentiment, in feeling, and in opinion with the great body of the people. In Ireland, however, even more than in this country, it was important that the people should look to their representatives in Parliament to explain their grievances, and to bring their feelings and wishes under the notice of the Legislature, instead of endeavouring to gain their objects by out-of-door agitation. The great misfortune of Ireland for many years had been the habit of the people to endeavour to carry out their views by a system of outdoor agitation, instead of trusting to their representatives; and if Parliament wished to transfer the allegiance of the people from self-constituted agitators and redressers of imaginary wrongs to their representatives in Parliament, they must create a body of constituents so numerous, that the Irish people might fairly look up to those chosen by them as their real representatives. But, if this was admitted to be necessary, it might also be necessary to depart in some degree from the principles upon which the English franchise was constructed. It was not a fair comparison to say, that in England a 20*l.* interest was required for a certain length of time, while in Ireland a 10*l.* interest was to give the right of voting. With regard to the state of society and the general diffusion of wealth, this country differed widely from Ireland, and they must vary their system accordingly; but it did not follow that they were supplying a deficiency of numbers by what the noble Lord called throwing in rubbish to make it up. They found that in Ireland there was not that middle class of proprietors which formed so important an element in the body politic of England; and in the absence of such an element they must take the best course in their power. He was persuaded that if their Lordships looked upon the matter in this light, they would find that it was absolutely necessary to give a franchise resting upon occupation. If they did not, upon some principle or other, adopt an alteration in the franchise, they certainly would not secure the requisite number of voters for the due representation of the country. What the amount of the franchise ought to be was a question for subsequent consideration; but he trusted that when their Lordships came to consider the Bill in Committee, he would be able to show no insufficient reasons for the provisions of the measure as it stood. All that he now wished to advert to was the absolute necessity, in some shape or other, of adopting the principle of a qualification founded upon occupation, if they wished to retain that number of electors which was absolutely necessary to make representation anything more than a delusion and a farce. If, then, they took occupation, was it possible to adopt a better test of the value of that occupation than rating to the poor-rate, coupled with actual payment of the rates? The noble Lord was desirous of substituting the test of rent; but he (Earl Grey) thought it would be impossible to make a more injudicious alteration; for it was notorious that it had been too much the habit in Ireland to let land at rents screwed up by competition to nominal amounts far beyond what was actually paid. Tenants had learned the habit of promising rents, of which, except in the best years, they never paid, though they paid as much as they could. If, therefore, they made the franchise depend upon the amount of rent, they gave a direct bonus to this system of charging nominal rents; and by its means persons who wished to establish political influence might detain the voters in a state of absolute dependence; but, on the other hand, by taking rating coupled with the actual payment of rates as the test, they had a far better security for the establishment of a *bonâ fide* franchise. He grounded his defence of the principle of an occupation franchise upon these two simple considerations: first, that they must make the representation a reality by giving the franchise to a certain number of voters; and, secondly, that in the actual state of things with regard to the occupation of land in Ireland, if they wished to constitute such a body of constituents they had no other resource than an occupation franchise.

LORD STANLEY, in explanation, said, that he had before stated, that although he objected to excluding the consideration of property altogether from the question of extending the Irish constituency, he did not object to an addition to that constituency by a plan similar to that established in England by what was commonly known as the "Chandos clause," which formed an occupation franchise, based on the payment of rent to a certain amount.

EARL GREY observed that that admission at once swept away three-fourths of the noble Lord's arguments; for he had contended at great length that this Bill would introduce an entirely new kind of franchise, and that the 8*l.* rating principle was altogether wrong. It appeared, however, that the question between the noble Lord and himself was merely whether 8*l.* was or was not too low an amount at which to fix the franchise. The noble Lord had asked whether, if there were not more than 1,000 voters in the county of Mayo who were not paupers, the pauper constituency ought to have the power of returning Members for that county, thus implying that the principle of the Bill was that paupers should have a part in returning representatives to Parliament. He (Earl Grey) thought, however, that a measure which provided that a voter should not only be rated to the relief of the poor, but should also be required to pay the rate for the relief of others, was hardly open to the imputation of creating a pauper constituency. Those who relieved paupers could scarcely be considered paupers themselves. The noble Lord had expressed strong objection to the Bill, because, he said, it would place upon the list of voters persons holding a certain amount of property whether they desired it or not, and without any agency or interference of their own. He (Earl Grey) must say, from his own experience, being the representative of a county which had been frequently contested, that he considered this the most valuable part of the Bill; for, if there was one point in respect of which the English Reform Act was clearly defective, it was with regard to the system of annual registration. The principle of annual registration required that each individual voter should take certain trouble in claiming and maintaining his vote, and power of objecing to the vote was given; so that unless a voter belonged to one or other of the parties into which a county was divided, the probability was that he would never have a vote at all. The effect of this system, as he had himself seen, was to keep up in the interval between elections no small excitement, to lead to considerable disturbance of the public peace, and to great annoyance and expense. He considered that if they wished to improve the English Reform Bill, the first thing they should do was to get rid of the whole machinery of revising barristers and annual registrations, and to introduce a system of self-working registration analogous to that proposed by this Bill. He had contested a county before the Reform Bill, and he remembered how great was the inconvenience of the system of voting required from being entered upon the land-tax schedule. If the ratebook came to supply the place of the registry, the system would, in point of fact, be brought to that which the land-tax schedule would have been in the old time, before the Reform Bill, supposing no land tax had been redeemed. A list, framed for the purpose of taxation, upon which no man would voluntarily place himself if he could avoid it, would be the best test of the right to vote; and when he considered the great advantage of getting rid of the chicanery, expense, and disturbance of the public peace which must arise from any system of contested registration for merely electioneering purposes, he held it would be cheaply purchased by giving a man the right of voting whether he was desirous of it or not. He regarded the right of voting in a free country as part of the duty of every person who possessed the franchise. In the ancient republics, the exercise of the political franchise was made, as he thought wisely, not a matter of choice, but of duty. He looked upon it as a duty, and he thought that the Legislature ought not to encourage the cowardly feeling which made men shirk the performance of such an important public obligation, and to deprive that moderate and impartial class of voters who were not committed to any political faction, but who felt a real interest in the welfare of the country, and gave such power to the extreme partisans on the one side or the other. Having offered these observations upon the principle of the measure, he should reserve any discussion of its details until the House went into Committee.

The Earl of DESART deprecated the introduction of such a measure at the present moment, and said that had there been a wish to check the growing desire in Ireland for improvement and tranquillity, no better means could have been found for that purpose than the agitation of questions of political right. He attributed the comparative smallness of the constituency to the dislike among Irish farmers to avail themselves of the franchise, because it was a privilege which they felt must draw them into collision with the priest or the landlord. He objected to the Bill because it fixed an inadequate franchise; and he warned the House that the first aim of all revolutionists was to separate the representation from property, and confer it upon numbers. Political agitation and excitement were the real causes which prevented the resources of Ireland from being developed; and he must be permitted to say that these evils should have been struck at. They might be remedied, no doubt, in time; but the remedy should not be tried at the risk of forcing all classes into the danger of electioneering tumults. But there was a great imperial question at stake in this Bill. It was a measure which would affect one-sixth of the representation in the Imperial Parliament; and Englishmen were not altogether so passive as to submit to what they would consider an injustice when they found a great advance in privilege made in Ireland. For instance, under the Chandos clause, an Englishman who paid 49*l.* a year rent had not a vote; and he would naturally consider himself unequally treated if he discovered that, upon the other side of the Channel, Irishmen rated at 8*l.* only—half of which only probably was paid—had the franchise. Would he not ask, "has the Irishman proved himself so capable of being entrusted with great political rights that he should be considered six times my superior?" The very magnitude of the difference was a strong argument against the Bill. He admitted there was a difference in the relation of property; but, on the other hand, the Irish occupier really paid only 4*l.* rates, for the landlord paid the other 4*l.* But he was opposed to the Bill, because its introduction at the present moment would tend to inflict great evils upon the country by turning the attention of farmers from the pursuits of industry and improvement, to which they were now devoting themselves, to political chimeras held up by interested agitators. Societies, under the title of Tenant Protection Societies, were directing energetic efforts against all property in Ireland; and he regretted to say that in his part of the country the Roman Catholic clergy had been taking a most active part in the movement. It was right, however, that he should state that he met among that body, and among others, with persons who had taken a very different course, and who had given him cordial and able assistance in supporting the cause of order. But he was sorry to say that the efforts of right-minded Roman Catholic clergymen were counterbalanced by the many Roman Catholic priests who were seeking to lead the people on to the destruction of order. He denied that there was any necessity for urging so dangerous a change. Did justice require it? Where was the justice of forcing men, now devoting themselves to industry and improvement, to come into collision with intimidators? Where was the justice of swamping those who possessed property, by establishing a semi-pauperised constituency of 8*l.* voters? Surely this was not justice. In going into Committee upon the Bill, he should mistrust everything; but he hoped that at that stage such Amendments would be made in the measure as would secure some advantage being derived from it.

The EARL of ST. GERMANS said, that his views of the measure differed in some respects from those of the Government, and still more from those of the noble Lord (Lord Stanley). It appeared to him that the noble Lords opposite, in pointing out the evils of the existing state of the law, too much overlooked the defects of the present Bill, while, on the other hand, the noble Lord and noble Earl who had preceded him, in objecting to the defects of the Bill, altogether overlooked the evils which the Bill proposed to remedy. The principle of the measure was to enlarge the county constituency of Ireland by a simple and easily ascertained qualification, and to extend to that country the system of registration which had worked so satisfactorily in England. Now, the system of registration in England had worked well; it had given great satisfaction; and to this part of the measure he apprehended little or no opposition would be offered. As to the county constituency of Ireland, in 1829, before the disqualification of the 40*s.* freeholders, that constituency numbered about 116,000 voters; by the disqualification of the 40*s.* freeholders, this number was reduced to 35,000 voters; that number had been raised by the Reform Bill to about 90,000, but had since been gradually and steadily decreasing. In 1842 it numbered only 60,000, and at the present moment it did not exceed 27,000 voters for the whole of the Irish counties. He would ask their Lordships whether this was not a mere mockery of representation? he would ask whether it was safe to base a representative government upon such a limited constituency? Let him give a few particular examples: the county of Kilkenny, with a population of 183,349, had but 481 voters; King's County, with a population of 146,857, but 1,130; Mayo, with a population of 388,837, but 1,118; Queen's County, with a population of 153,930, but 456; Waterford, with a population of 172,971, but 306. It was clearly impossible that such a state of things could safely continue. He was very far from saying that the constituency of any country should bear a fixed or definite proportion to its population; he should think this a most dangerous principle to lay down; but, on the other hand, he quite agreed with the noble Earl opposite, that nothing could be more dangerous than a constituency so small that it practically effected a mere nominal representation of the people; so small as to be quite incapable of resisting those undue influences the apprehension of which so weighed with the objectors to this Bill. It seemed to him that the apprehension thus expressed of the effect of undue influence was precisely the strongest possible reason for a measure which, by enlarging the constituency, tended to raise it above those influences which told with so much greater effect upon a small constituency. It appeared to him, then, that it was absolutely essential to enlarge the county constituency of Ireland; and he could not at all admit that because by a particular qualification adapted to the circumstances of this country the constituency of Ireland was increased, the people of England would therefore set up a claim for the extension of the same qualification to themselves. Having said thus much in support of the principle and main provisions of the Bill, he had to state that he was not at all satisfied with the amount of rating proposed. He believed it would be found that the 8*l.* ratepayers in Ireland were not, as a body, in those solvent and independent circumstances which made it safe to entrust them with the franchise. It was his opinion that if you retained the 8*l.* qualification you should make it an 8*l.* qualification upon the value of the house, apart from land; but if you combined the value of the land with the tenement in the qualification, that you should make that qualification not 8*l.*, but 12*l.* From a careful consideration of the report of the Census Commissioners of 1841, he was satisfied that the adoption of the former principle would give a very sufficient constituency, a constituency, making the requisite deductions for unpaid rates, double holdings, and widows, not fewer in number than 200,000, a number quite adequate to countervail the undue influences apprehended by noble Lords near him. The second clause having been happily thrown over by the noble Marquess, it was unnecessary for him to make any observations respecting it. The proposition to confer votes upon 5*l.* tenements for life appeared to him a dangerous principle, as being calculated to lead to the creation of fictitious voters. The noble Earl near him had assigned the absence of petitions, of excitement on this subject, as a reason against the Bill; now, that very circumstance struck him as a strong argument why their Lordships, thus exempt from any pressure from without, should seize the favourable occasion for settling this long-vexed question, and he trusted that all parties in Parliament, by waiving respectively any extreme views, and consenting to some moderate compromise, would gratify the reasonable expectations and just hopes of the Irish people. Most happily, the conduct of this country towards Ireland under her recent afflictions had created a far kinder sentiment in her people towards us, and he earnestly hoped that Parliament would not chill the nascent affection by refusing to settle a question which, if not settled now, would remain a source of heartburning and discontent, and a stumbling-block in the way of improvement.

The EARL of WICKLOW would not enter into any details, the consideration of which had better be defered to the Committee. He had heard from the noble Marquess with great pleasure the intention of the Government to remove that obnoxious clause, which he was only astonished to observe had been forced into a Bill emanating from the Government. He was surprised, nevertheless, to hear from the noble Lord opposite that such were his objections to the measure altogether, that unless great improvements were made, he should move its rejection on the third reading. He was sorry to hear that; although he (the Earl of Wicklow) had himself some amendments to propose, he could not bring himself to an entire disapproval. He purposely avoided now discussing the amount of the qualification; but when the Bill was in Committee he should give his best attention to the subject, and he was determined to vote for whatever appeared on full discussion to be the proper amount to be adopted, and which did not too much limit the numbers of the constituency. When the Bill went into Committee, he hoped that no attempt would be made to raise the registration beyond a fair and reasonable valuation; but that one should be adopted which should give a considerable increase in the number of electors in Ireland, without swamping the country with the description of constituencies such as he feared would come into existence if the Bill remained in its present condition.

The EARL of ST. GERMANS wished it to be understood that he considered it of great importance that the qualification should be based upon a townland and not a tenement valuation, and he hoped the Government would introduce some provision to that effect.

The EARL of GLENGALL was understood to suggest that the franchise should be based on the townland and not on the tenement valuation; but his opinion was, and he thought he could prove it, if necessary, to the satisfaction of the House, that within the law as it stood at present there were ample means for obtaining a sufficient constituency, if the gentry and tenantry could be got to overcome their great disinclination to register. But it could not be done. Notices might be served, but nobody would attend. A remarkable case had occurred in the city of Cork, where, immediately after the last election, 3,000 notices were served, but not more than 200 on each side came before the revising barrister. The cause of this was, that for eighteen years the country was agitated by the late Mr. O'Connell, and the people were told that if they abetted that agitation they would, instead of being occupiers, become the owners of the soil. "Stand fast," the words which revolutionised America, was the command which they received, and being tormented then on one side by the priests and agitators, and on the other by their landlords, and moreover finding themselves deceived by their leaders, they became thoroughly disgusted with their electoral privilege, and wished merely to be let alone by both parties. But if they passed this Bill, the old system would be revived, and a set of men such as they had recently got rid of would again be foisted upon Parliament. They would at once carry their votes to the Treasury; acting upon the free-trade principle, having bought them in the cheapest market they would endeavour to sell them in the dearest. The first movement of those who would be returned to Parliament under the present Bill, would be to attack the Irish Church. The English Church would then speedily follow. He objected to this Bill, because it vitiated the principle of the Emancipation Act, which fixed a 10*l.* franchise. It also vitiated the Reform Bill, which based the franchise on property and tenure. It would base the vote on an occupation without tenure, while in France a three years' residence was required. Against that principle of mere occupancy Lord J. Russell had warned Parliament in 1841, and now that noble Lord and his Colleagues had introduced it in a Government Bill. But certainly the present were times in which noble Lords changed their opinions and ate up their words with such voracity as to cause him serious alarm lest some of them should die of indigestion. He objected to two classes of rated occupiers having votes in Ireland, namely, small tenants at will and small joint tenants. They would swamp the real yeomanry in Ireland. Mr. Fox said, that was the best franchise which included the largest amount of independent electors, and excluded the greatest number of those dependent. In that he strongly concurred. He thought the Bill should be delayed until an improved system of valuation was introduced into Ireland. To found a Bill upon the present system of valuation was absurd, inasmuch as it differed not only in every county, but in every electoral division. Let their Lordships beware lest, having introduced this principle, they would soon have to extend it to England. He was convinced that they were not prepared at one stroke to increase the Irish franchise to four times what the Reform Bill contemplated, and double what it was during the existence of the 40*s.* franchise; and yet that would be the result of the Bill. The reasons why the Government had brought in the present Bill were evident. Last winter the representation of the city of Cork became vacant, and to the great surprise of the Government a protectionist was returned. Subsequently Mr. J. O'Connell proposed to retire from Limerick, when it was ascertained that a similar result was likely there. Then the Member for Mayo thought of going to serve Her Majesty in the Falkland Islands, but the tendencies of the constituency induced him to retain his seat. Having received these three hints, Government set about preparing a Bill by means of which they proposed to obtain *coute qui coute* thirty or forty additional votes from Ireland.

The Marquess of WESTMEATH did not believe in the sincerity of the motives which Government had assigned for bringing this measure forward. The noble Earl (Earl Grey) had said that one reason why the present constituency was so small was, that Irish landlords did not grant leases. Where did the noble Earl find that? It was notorious, on the contrary, that the tenants preferred not having leases. It was rather extravagant then for a Minister of the Crown to come forward and impute the want of leases to the resident proprietors, and to assign that as a reason for bringing forward this Bill, when the fact was quite the contrary. The Bill was to take effect from the 13th of November, but no dependence could be placed on any valuation which existed at present. He defied the Government to show that they could with any consistency press the measure one more stage, unless they had a uniform system of valuation with regard to the poor-rate.

The Marquess of LANSDOWNE stated that a valuation was going on, and as soon as it was effected it should be adopted under this Bill.

The MARQUESS of WESTMEATH said, that was a very indefinite promise, and he was satisfied they might look for years before they saw any uniform valuation.

The EARL of WICKLOW reminded the noble Marquess that it was stated in evidence before the Committee on the Irish Poor Law last year, that a general and uniform valuation would be completed in eighteen months. If this was then the case, surely it should be done now.

The MARQUESS of WESTMEATH conceived then that it was the bounden duty of the Government at once to bring in a Bill to effect such valuation.

On Question, Resolved in the *Affirmative.*

Bill read 2^a, and committed to a Committee of the whole House on Friday, June 21.

House adjourned till To-morrow.

* * *

HOUSE OF COMMONS,

Thursday, June 6, 1850.

MINUTES.] PUBLIC BILLS.—1^a Population.
2^a General Board of Health; Judges of Assize.
Reported.—Factories.
3^a Municipal Corporations (Ireland).

FACTORIES BILL.

Order for Committee read.

The House resolved itself into Committee on this Bill.

MR. ELLIOT rose to move the Amendment of which he had given notice, and stated that the great alarm which was felt by the operatives as well as the owners of factories in the part of the country with which he was more immediately connected, rendered it necessary that he should request the House to grant him their indulgence for a short time whilst he endeavoured to put before them the position in which all parties connected with these factories would be placed should the Bill now before the House pass into a law. He had presented a number of petitions against this Bill from the operatives in the several factories in the town of Hawick and Innerleithen, as well as from their masters. He had also presented that evening a petition from thirty-four millowners in the counties of Roxburgh, Berwickshire, Selkirkshire, and Peebles. The operatives stated—and he wished the House to know that this was a statement in the truth of which all concurred, however much they might be opposed to the system of relay working—that the immediate effect of the change would be to cause the discharge of one-third of the entire number of relay workers; that these poor people thus thrown out of employ from no fault of their own, but merely in consequence of this lamentable course of legislation, must, in many instances, be thrown on the parish, no other means of employment being open to them. These people were at present, and have for years past been, working in this manner, contentedly and happily, and thus providing a subsistence not only for themselves but their families. All this, for some reason he could not understand, was now to be put an end to, and these industrious, and hitherto contented, people were to be ruined and sent to seek parish support; and he would here mention that the parochial board of Wilton, seeing that the number of persons claiming relief would be so greatly increased, had also sent a petition which he had presented this evening, praying that the Bill might not pass. Now, he wished to know why such a calamity as this was to be thrown on a large manufacturing district? When he asked this question he was told that great inconvenience arose from working by relays: first, that the women, young persons, and children, were kept hanging about the mills for fifteen or sixteen hours, because they could not go home during their intervals of rest, and, being thus left to themselves to wander about the streets, they were led into idleness, which was followed by demoralisation. Secondly, that the inspectors found it impossible to prevent the women and young persons from working in several different mills, thus evading the laws which fixes their labour to ten hours. He did not consider that these objections should have been urged by the English Inspectors. He fully believed inconvenience had been, and must have been, felt under the system as it was managed, or rather mismanaged, in the north of England. He would read to the House an extract from the report of Mr. Horner, dated the 30th April, 1849. Mr. Horner says—

> "I may give, as an example of this mode of working by shifts, a case I met with in one of the mills working upon this plan, which I inspected on the 8th of March. Out of 335 young persons and women there employed, I found 213 who began work at 6 o'clock in the morning, and were at work in the mill as late as half-past 7 in the evening. They had, of course, their hour-and-a-half for meals, as required by the Act, and, besides that, they were sent out of the mill, some

from half-past 10 to 12, some from 11 to 1, some from 2 to 4, some from 4 to 6, and some came at 6 in the morning, worked till breakfast time at 8, came back again at half-past 8, and after working half an hour were sent out again from 9 till 11 o'clock."

Mr. Horner then compared this system of working with the advantages of working ten consecutive hours. No one would doubt that, under a system like this, inconveniences such as he had described must arise; but this was not the fault of working by relays, but the fault of the system by which relays were worked. A totally different system prevailed in his (Mr. Elliot's) part of the country, and all inconvenience was avoided by the rules in operation in the factories, in the welfare of which he felt so strong an interest. There the system was simple and plain. Each set between the hours of 5½ in the morning and 8½ in the evening were out of the mill either three or three and a half consecutive hours. There was no running out and in of the mill, as described by Mr. Horner. There was no loitering about the streets, and there was no difficulty in ascertaining whether the women and young children who worked in one mill were also employed in others. The consequence was, the system had worked to the satisfaction of all parties, whether masters, operatives, or inspector. Mr. Stuart, the late inspector, approved of it, seeing, as he did, that the mills could work a great many more hours without any infringement of the spirit of the Act, and that a much larger number of persons could be employed. Mr. Stuart also approved of this system for a reason which he (Mr. Elliot) considered so creditable to the manufacturers in his part of the country that he would read an extract from one of Mr. Stuart's reports on the subject. [The hon. Member then read the extract, in which Mr. Stuart stated, that during the late period of great depression of trade, the manufacturers at Hawick, and at other places in the south and west of Scotland, had kept up the whole number of their relay workers during the time that their mills were working short time, in order that by earning a reduced rate of wages for the few hours they worked, all might be in receipt of such a sum as would keep them off the parish.] He begged to call to the recollection of the House, that hitherto all interference with adult labour has been disclaimed by those who have supported this description of legislation. Protection to women, young persons, and children had been the professed intention of the noble Lord, and all interference with adult labour had been denied and disclaimed; but he (Mr. Elliot) would show the House not only that this Bill was levelled at adult labour, but that Mr. Horner, the Inspector of Factories, knew full well that such a Bill must go that length, and that the intention is not confined to the object it professes, but is intended to shut the factories after ten hours' work. Mr. Horner said, in his report, dated the 31st Oct., 1838—

"It has been plausibly set forth by some persons that there would be great advantages to trade were the mills to be enabled by relays to work thirteen or fourteen hours a day. No one doubts that the longer manufacturing machinery can be kept in motion, the greater will be the produce; and if it could be kept going all the twenty-four hours of each day, without compromising the physical and moral health of the human beings by which it is worked, no one would dream of interfering with it. But the far greater proportion of mills cannot work without the aid of children, or of young persons or women; and the Legislature has decided that such persons shall be protected against the temptations held out to them by the capitalists to work in a manner that is inconsistent with a sound healthy state of the population, morally and physically—that is the whole of the question."

He (Mr. Elliot) begged to call the attention of the House to this declaration of Mr. Horner, and let them remember that this Bill allows of no women or young children to be employed in mills for more than the ten and a half hours, between six in the morning and six in the evening, one hour and a half being allowed for meal times—and consequently if Mr. Horner's statement is true, the motive power of the mill can be in operation for no longer time. Whenever he (Mr. Elliot) had urged that it would be better to exempt the mills in his part of the country, he was told that it was impossible to have one law for one part of the country, and another for another: that it would be unjust to allow these mills to work fifteen hours, whilst others were restricted to ten; and that if this were done, the manufacturers in the north of England would have just cause of complaint. He entirely denied this position. The injustice was all upon the mills in his part of the country, and the manufacturers would be ruined if so dealt with. The promoters of the present Bill profess to put all upon an equality; whilst, in fact, they are doing precisely the reverse. The mills in the north of England were owned by great capitalists, and every body who knew anything of trade or the manufacturing interest knew that large capitalists had great advantages over small capitalists, and that it was therefore necessary that small capitalists should put forth all their energies, and use every exertion to compete with their more fortunate brethren; and this they had done, and done successfully. They were left comparatively free of restriction, and by their enterprise and energy they have succeeded in keeping in employment a large number of people who are now to be forbid to earn their bread. He would now state another disadvantage to which they were to be subject. The mills in his part of the country were water mills, turned by streams greatly affected, as regards floods, by rain falling in the hills, and also as rapidly affected by the increased surface drainage of the hills themselves. One day the river would rise so rapidly as to stop the mills, and in a day or two more there would be a deficiency of water. In order to remedy this latter evil, the millowners had erected steam-engines and long chimneys to assist their water-power so as to secure the fifteen hours work allowed by law; and now that this has been done they are to be told that their capital thus invested is to be thrown away, and that they shall work no more than ten hours. Coal in his county were so dear that they could not work their mills entirely by steam—steam could only be used as an auxiliary. In summer the water ran exceedingly low; in winter there were great torrents, and the mills were sometimes stopped by ice for a length of time; so that it would be impossible for them to recover the lost time by the permission to work an extra hour a day for five days in the week. Against that they had to compete with the mills of the north of England, where, the inspector stated, nothing had been lost by the shortening of time, as they were enabled, by greater energy and driving their machines at a greater rate, to manufacture as large a quantity of goods in ten hours as they had formerly done in a longer time. It was impossible for the manufacturers in his district to increase their speed a single inch; they must go plodding on at the rate only which the supply of water would allow; and yet they were told that they were placed on an equality with the mills of England, and that it would be a great hardship to allow them to run longer hours. He appealed to the House against this injustice. The system of relays was no new system; it had existed in various forms for thirty years; and now the manufactories which had practised it successfully were at once to be proscribed by this change of system. Another objectionable part of the measure was that which fixed the hour for the commencement and stopping of the mills. In winter, it was impossible to say exactly when a water mill could commence work; the ice prevented it; and in the dry season it was impossible to say when they might be obliged to stop, as the water might run short at any time. It was certain that the measure, if carried in this form, would ruin the small millowners, and throw a large population entirely out of work. It was said that one law ought to regulate all the country; but when that law operated differently in different parts of the country, it was evident it could not suit the whole. He protested against the extension of the Bill to his part of the country; and as the best means of preventing it he would move the Amendment of which he had given notice.

Amendment proposed, in page 2, line 8, to leave out from the word "That," to the end of the clause, in order to insert the words—

"It shall not be lawful for young persons and females to be employed or to work in any Factory for more than ten hours daily between half-past five o'clock in the morning and half-past eight o'clock in the evening; and it shall be lawful for said young persons and females to work by sets or relays: Provided always, That each such set or relay shall during the hours between half-past five in the morning and half-past eight in the evening, be absent from the Factory for a period of not less than three consecutive hours: Provided always, That on Saturdays the period of work of such young persons or females shall not exceed eight consecutive hours, exclusive of meal times, between the hours of half-past five in the morning and four in the afternoon,"

instead thereof.

Sir G. GREY said, the Amendment was directly contrary to the whole spirit and purport of the Bill. He quite admitted that a general law of this kind might operate with some inequality in different parts of the country; but that was an objection not to this Bill only, but to all legislation on the subject. The hon. Gentleman had raised the whole question—whether there should be any legislation at all on the subject, or, at all events, whether it should apply to mills worked by water power, or to those situate in Scotland. If he thought there was a special case for exemption, the best mode would be to propose it in a separate clause, not to propose an alteration of the measure, entirely different from its object, which would have the effect of sanctioning relays throughout the whole kingdom, subject only to the qualification that the hands should be absent three hours during the day. Looking at its physical effects, the relay system was unobjectionable; but when its moral effects were considered, also the object contemplated by Parliament in passing the Act of 1847, namely, to secure the evening hours to the factory workers, an object which was productive of great advantage—he could not admit the principle of relays. The insertion of this clause would produce a very material alteration of the law as it stood, and it would be better to leave the law in its present state than to consent to a distinct legislative enactment that for fifteen hours these parties might be kept away from their homes. With respect to water mills, there was a clause to be considered hereafter in which the Committee might consider whether it was desirable to begin at a later hour in winter. There was also a clause with reference to making up time which had been lost, whether by a deficient or an over-abundant supply of water. He certainly regretted that any parties should be put to inconvenience. Were all manufactories as well regulated as those referred to by his hon. Friend, there would be no occasion for any law at all on the subject; but they were conducted very differently in crowded cities; and if a law of this kind were passed, it would be very difficult to exempt particular mills. But the proposal was to establish the relay system throughout all the manufacturing districts, and extend it to all the mills now subject to restriction; although that system had only lately been tried; and he certainly could not consent to this proposal.

MR. ELLIOT said, he had not made the statement solely with reference to Scotland. If the right hon. Gentleman would allow him to introduce a clause exempting the district he had referred to, he would be most happy to take the suggestion and withdraw the clause he had now proposed.

MR. FERGUS said, that if one thing was more to be deprecated than another, it was different laws for different parts of the country. He should not only vote against any restriction of the Ten Hours Act, but under any circumstances he should vote against the proposition of the hon. Member for Roxburghshire. He regretted that the right hon. Baronet the Home Secretary should have given the sanction of his name and the Government authority to any departure whatever from the Ten Hours Act. Before sanctioning the Bill of the noble Lord the Member for Bath, the right hon. Baronet should have known what was his own meaning, and what was the meaning of the Legislature by the enactment of 1847. If it was the intention of the Legislature to allow the system of relays, the better course would have been to bring in a Bill declaring that such system should be permitted. If it was the intention of the Legislature to limit the labour of women and children to ten hours, in its ordinary sense, within reasonable bounds, further legislation would have been better left alone. It could not have been intended that the ten hours' labour required from women and children should be aggravated by being done at untimely hours. He would therefore vote for any proposition continuing the Ten Hours Act. It was true the half-hour was a very small matter for the labourers to give, or the manufacturers to obtain; the prosperity of the latter or the well-being of the former did not depend on any such slender thread; but uncertainty in legislation on a subject like this was a great evil. His confidence in the energy and skill of the manufacturers of this country led him to believe that they would easily accommodate themselves to almost any bonds which the Legislature might impose upon them; but nothing could reconcile them to legislation which fixed one number of hours one year, and another number the next. It was quite clear the Legislature never intended by the Act of 1847 that the women and children should work ten hours and a half. If, then, they legislated for ten hours and a half this year, what security was there against its being extended to eleven hours next year? He believed that all over the country the people were settling down into the ten-hour system of working; the restriction had produced no harm; and in a very few years, the period of working would have been regarded the same as twelve or fourteen hours was formerly. He would not sanction any restriction on the employment of machinery or on adult labour; nothing was more hostile to a right principle of legislation; but he had approved the Ten Hours Bill as a measure for the protection of those who were unable to protect themselves, and because there were great abuses in the way factories were formerly worked.

MR. EDWARDS: Having the honour to represent one of the most populous and important districts in the West Riding, and knowing well the feelings and wishes of the people, I may naturally be expected to say a few words upon the question; and I do not hesitate to do so, under a conviction that the House will attend to the few remarks I shall make, being a millowner myself, and having lived amongst these people since the day I was born. I hardly expected to have to say a word in defence of the original Bill of the noble Lord the Member for Bath, from what I call the insidious Amendments, remembering the power of argument and eloquence with which he advocated the cause of justice and humanity on its introduction; for it was to him we all looked as the champion of the people, to contend for the boon which had been conceded by the Legislature; and I see no reason why he should have deserted us. It is not for me to speculate upon the reasons which have influenced the noble Lord in sanctioning the substitution of another Bill for his own; it is sufficient for me to protest against it, frustrating as it does the hopes and just expectations of the body he represented, and I do so in the name of the factory operatives of the West Riding. The petitions for and against that Bill, judging from the returns in the Votes, are in the proportion of 6 to 1,000—the number of signatures, perhaps, about 2 to 1,000—and I feel warranted in asserting, from what has recently passed at various meetings in the country, that not only the bulk of the operatives are opposed to this invasion of the ten-hour principle, but that, previous to the publication of the letter signed by a manufacturer, the millowners and manufacturers, upon the whole, were favourable to the Bill of 1847. In Yorkshire, where the relay and shift system has not been pursued to any extent, the condition of the people is immeasurably improved by this Act of the Legislature, and it is impossible to deny that immeasurable benefits have accrued from its provisions, both in a social, moral, and physical point of view; and are we to be told by a small section of the community that this most valuable and humane law is about to be repealed, and the fetters of slavery to be riveted again? Before the Act of 1847 became the law of the land, nothing short of utter ruin was predicted by its opponents; but how thoroughly have their predictions been falsified! I can prove that the contrary effect has been produced, and to a far greater extent than the most sanguine of its supporters could have reasonably expected; and the measure having worked satisfactorily, why should we endeavour to impair or render it nugatory? A great deal has been said respecting the inducement which this early cessation of labour gives to idleness, depravity, and vice; but how is this to be reconciled with the fact of the great increase in the number of evening schools, and the desire and determination on the part of young people to acquire a knowledge of reading, writing, &c.? Look also at the attendance at mutual improvement societies, mechanics' institutes, reading rooms, &c., which are increasing in number and importance every year; and, following the advice of a large section of this House, ought we not to foster and encourage that feeling? If not engaged in pursuits of this kind, the men are to be seen during many hours of the summer evenings busily and happily employed, not in beer-shops and public-houses—not in rioting and drunkenness, but in their cottage gardens, assisted by their little boys, whilst the mother and sister, perhaps, are profitably employed in making clothes for the family, or attending to other necessary domestic occupations, thereby elevating and improving their condition, instead of spending their time uselessly in loitering about the factories. Our motto in Yorkshire is to "Live and let live;" and I trust the same spirit prevails throughout the entire kingdom. The late Sir Robert Peel—and where could you look for better authority?—proposed ten hours in June, 1815; that is, a twelve-and-a-half-range, and out of that two hours and a half for meals and education, and the people have agitated for ten hours ever since. Parliament having granted it, is bound in honour to hold to its engagement. Ten hours now far exceed ten hours in 1815; for during that period machinery has more than doubled its speed. Rather than accept the proposition of the Government, I would hope that this Bill may be thrown out altogether, and that the people's voice may be heard during the recess by those who have the honour to represent them in this House.

Lord ASHLEY: Sir, there is one observation which I wish to make with reference to something which has fallen from the hon. Gentleman who has just sat down, and I shall never again touch upon the subject. He says, that the factory operatives are now deserted by one who was once their champion. Now, I never considered myself as their champion; but I did consider myself their friend, and I declare before God that I have done that which appeared to me to be best for their interests; and every successive hour, and all the intelligence I receive, convinces me that, by God's blessing, I have been enabled to judge aright. I may be permitted to state, solemnly and before this august assembly, that I have sacrificed to them almost everything that a public man holds dear to him, and now I have concluded by giving them that which I prize most of all —I have even sacrificed for them my reputation. But in the midst of these painful recollections, I have this consolation—that I have received letters from many operatives in various parts of the country, assuring me that I still retain the good opinion of great numbers of the people; and I have received some resolutions agreed to by the delegates of the factory workers assembled at Glasgow, who say—

> "While we cannot approve of any abridgment of our present lawful rights, or give our sanction to any mutilation of privileges we possess, we are at the same time too fully satisfied of the honesty, zeal, and self-devotion of Lord Ashley to imagine for one moment that his Lordship has deserted the interests of those whose welfare he has had so long at heart."

The House will excuse me for reading this passage, but it may show public men that amid all the difficulties and disappointments that beset them, they have some real consolations. They go on to say—

> "And whose well-being he has so perseveringly promoted—and are convinced that his concurrence with the Government proposition is best calculated to insure the present safety of the Bill, and its future permanency."

These parties, therefore, holding to the Ten Hours Act as their undoubted right, concur with me in thinking that I have done wisely in accepting the present compromise for the benefit, that inestimable benefit, of the limitation from six to six. Now, if the Amendment of the hon. Member for Roxburghshire is carried out, it will establish, by the votes of this House, the very thing which the House has been trying to prevent. The Bill is brought in to get rid of the system of relays; but the Amendment would confirm and give to them a legal character. The hon. Gentleman admitted that the relay system worked badly in England. [Mr. ELLIOT: I said, as practised in England.] I thought the principle and the practice intimately connected. The hon. Gentleman the Member for Roxburghshire, in proposing this Amendment as a general clause, calls upon the House of Commons to affirm that which all experience has shown to be unequal and oppressive to the working classes, and which is not shown to be required by the operatives of that district, or conducive to their interests. I shall therefore vote against the Amendment.

MR. W. BROWN: I rise, Sir, to support the Motion of my hon. Friend the Member for Roxburghshire, feeling desirous, as far as it is possible, to remove every restriction on adult labour. I deprecate any attempt to interfere with it by a side wind, and am quite at issue with the noble Lord the great promoter of the Ten Hours Bill as to the best means of benefiting the interests of the operative classes, and feel assured that any injury sustained by the masters must eventually fall on the men by the reduction of wages, which must now injure those who work by the piece or by contract, from the limit in time prescribed to the moving power. I see no reason to change my mind that this interference with labour will have the same bad effect on us as the edict of Nantes had upon France; probably not so suddenly, but equally sure. I cannot help looking at the deplorable situation of Bruges, Ghent, and other once flourishing manufacturing towns, which are now in a state of helpless inactivity. I am satisfied that the noble Lord the promoter of this measure has acted throughout with honesty of purpose; at the same time he is very much misinformed as to the immorality produced in manufactories, upon which he has based his argument. Misrepresentation on this head is too common. A prize essay had recently been published by the Rev. Henry Worsley, of Queen's College, Oxford, and rector of Eaton, Suffolk, on the causes of juvenile delinquency; and the whole spirit of that essay was a libel on, and in hostility to, the manufacturers. To this an answer has been published, in a letter addressed to the Lord Bishop of Manchester, by the Rev. Franklin Baker, from which I will read a few extracts:—

> "It is sad to think how these practical masses of figures in blue books spoil our romances. But it cannot be helped. Murder will out—and so will truth. Well, the fact is, then, that this wild, excited, wealthy, whirling Lancashire, is one of the most virtuous—all things considered, perhaps the most virtuous—of the counties of England. Taking for example the elapsed year of this decade (1840 to 1847), Chester, Gloucester, Worcester, Warwick, Somerset—these are the counties which carry off the palm of vice. Middlesex, of course, from its being the head-quarters of wealth, luxury, and fashion, is high on the black list. Lancashire, North Lancashire especially, is low

down in it, there being only six counties with a lower proportion of convicted offenders; namely, Cornwall, Durham, Derby, Northumberland, Cumberland, and Westmoreland. * * * Then comes Lancaster—twenty-ninth in the list of forty English counties—with one in 744; a number which contrasts singularly with the returns from some of the more Arcadian and agricultural counties.

“The Rev. J. Clay, the enlightened chaplain of the Preston House of Correction, so fully confirms this statement in his printed report for the year 1844, that I subjoin the whole paragraph which relates to it: ‘The connexion between occupation and crime is an interesting and important question. I am not aware that any trade can, in itself, be considered vicious; but if one demands more attention than another, leaving the person less exposed to the temptations of idleness; or if, on the contrary, an uneducated man's occupation be such as to allow a visit to the alehouse whenever he may be inclined, the probability is greater that, in the latter case, bad habits will be formed, and criminal acts committed. For the sake of throwing such light upon the subject as may be derived from the experience of this prison, I have availed myself of the information contained in the ‘Occupation Abstract’ of the population returns; and have been enabled to draw up a table, intended to show the proportion of criminals supplied by each of the principal trades, &c., in Preston, Blackburn, Chorley, and Burnley. It appears that the tendency to crime in the trades enumerated, beginning with the one most productive of offence, is in the following series: 1. Grooms, coachmen, postboys, &c.; 2. Bricklayers; 3. Colliers; 4. Plasterers and slaters, &c.; 5. Labourers; 6. Painters, plumbers, &c.; 7. Machine-makers; 8. Weavers; 9. Carters, &c.; 10. Joiners; 11. Butchers; 12. Blacksmiths; 13. Calico-printers; 14. Factory hands; 15. Sawyers; 16. Masons; 17. Tailors; 18. Shoemakers; 19. Domestics (females); 20. Factory hands (females).’

“The lowest proportion of crime is found in the counties which are most notorious for their largest amount of factory population; namely, Lancashire, the West Riding of Yorkshire, Derbyshire, and Nottinghamshire; whilst the most criminal are Cheshire, Staffordshire, Worcestershire, Gloucestershire, Warwickshire, and Leicestershire, on the whole more noted for dispersed and domestic manufactures.

“I may also adduce the following testimony to the superior character of the factory class, from the concluding remarks of the ‘Report of the Assistant Poor Law Commissioners sent to inquire into the state of the population of Stockport,’ dated February 9, 1842: ‘In the course of these inquiries, the general character and condition of the operatives employed in the cotton trade have been peculiarly objects of our observation. We have seen that in an ordinary state of the trade, those of the operatives who are employed (as the mass of them are) in connexion with steam-power and machinery, appear to command, by the value of their labour, the means of enjoyment of the comforts of life to an extent and degree unknown to a large portion of the population of this country; and there is little doubt that persons so circumstanced must consume, in a degree which far exceeds the proportion of their numbers, the natural produce of this and of foreign countries, thereby contributing largely to the prosperity of other classes of their countrymen, as well as to those sources of revenue by which the national liabilities are in great part sustained. We find, in connexion with the large earnings of this class, industrious habits of no common stamp, regulated and secured in great measure by the peculiar nature of their employment; and a degree of intelligence, already much in advance of other classes of the working people, and still growing with the general growth of popular education. It appears, also, that, when in the enjoyment of prosperity, they avail themselves, to a great extent, of the advantages of provident institutions; and that partly through this, and partly through other circumstances, equally creditable to their character as a working people, they avoid almost altogether dependence upon poor-rates. On the occurrence of general distress, we find them neither a pauperised mass, nor readily admitting pauperism amongst them, but struggling against adversity, beating far and wide for employment, and in many cases leaving their country for foreign climates, rather than depend upon any other resources for subsistence than those of their own industry and skill. Those among them who have not been able or willing to leave a place where at present their labour is of little or no value, have been found enduring distress with patience, and abstaining, sometimes to the injury of health, from making any application for relief; while others, who have been driven reluctantly to that extremity, we have seen receiving a degree of relief sufficient only to support life, often with thankfulness and gratitude, and generally without murmur or complaint.’

“One other fact, too, must be briefly mentioned, as significant of the beneficial tendency of the factory system. It is stated in a ‘Return from 474 cotton mills in Manchester and surrounding districts, carefully prepared by the proprietors and occupiers,’ that ‘no less than 82½ per cent of the whole number of factory operatives can read; while it appears from the registrar's returns for the whole of England, that about one-half of the population do not know how to write their names.’ This statement may be left to make its own impression in behalf of the system which has been so much maligned.”

Lancashire, therefore, if you remove from it the Liverpool convictions, which is not a manufacturing town, is one of the most virtuous in the kingdom. Out of 22,036 prisoners brought before the magistrates, 10,707 were committed, a large portion of which were Irish. The whole spirit of the Rev. Henry Worsley's essay is a gross libel on both the manufacturing masters and men. No one can doubt, after reading Mr. Baker's pamphlet, that we have been enacting laws under the supposition of a degree of immorality in factories, which has no existence. We must not lose sight of the active competitors that thirty years of peace have created, and what the power of steam has done for them by uniting manufacturing districts and coal mines at much less expense than formerly—an advantage we, by our canals and good roads in former times, enjoyed almost exclusively.

There is France, Switzerland, Prussia, Belgium, and the United States, all making rapid advances in manufacturing industry. It is true, our operatives are well off, and satisfied at present; but it arises from cheap food, and not in virtue of a Ten Hours Bill. Good wages enables them to furnish their cottages decently, clothe themselves well, and attend to the education of their children. It gives them self-respect, and makes them better men and better subjects, which I much fear your enactments will greatly injure. He felt strongly on this subject, for interference with industry was robbery of the poor. We had prevented trades unions interfering with the labour of others under severe penalties. The spirit of factory legislation was nothing but socialism and communism enforced by Act of Parliament. Could he persuade himself that this Bill would be of any advantage to the great mass of factory labourers, he would gladly support it; but he was convinced that its tendency would be the reverse; and Gentlemen must not be surprised if those whom they are now despoiling of their labour, their only capital, would by and by think themselves justified in asking for a portion of their estates.

MR. AGLIONBY deprecated the attempt that was now made to repeal altogether the Act of 1847. He regretted that he was obliged to assent to the proposition of the Government, for he should have much preferred to give to the operatives the entire benefit of the Act of 1847. He acknowledged their full right to the Ten Hours Bill, but it would be most unwise in them to insist on those rights to the full extent. The hon. Member for Halifax had taken occasion to find fault with the noble Lord the Member for Bath on account of the course which he had taken; but he (Mr. Aglionby) believed that it was the only course by which the intentions of the Legislature could at all be carried out. The hon. Member for Halifax might be a friend to the operatives; but he did not think he was acting in the most prudent manner for them in opposing all compromise. Whatever measure the Government passed, required to be carried out in good feeling by both the masters and operatives. It was of the utmost importance to both that the question should be speedily settled. He looked upon the Amendment as an attempt to retrace their steps, and therefore it should have all the opposition in his power.

MR. J. WILLIAMS wished the hon. Member who moved the Amendment would state to the Committee how the petition from Hawick which he presented that night had been got up, because he understood that it was got up by the masters—that the men were compelled to sign it, and that many had been dismissed from their employment for not doing so. A meeting had been held in the town-hall on the subject, and it declared by a majority of four to one against the relay system.

MR. ELLIOT begged the House would permit him to explain the circumstance to which the hon. Member for Macclesfield had referred. He was sorry to again obtrude himself upon the House; but, after the charge brought against him by the hon. Member, he felt he might without impropriety appeal to the justice of the House for a hearing. He felt satisfied he was too well known in that House by a large number of its Members to admit of its being believed that he was capable of coming before them upon false pretences. He would now state what had occurred. It was true that a counter-petition had been got up in Hawick, purporting to be signed by the workpeople in the mills, and other inhabitants, and containing allegations such as the hon. Member had referred to, and further stating that the workpeople in Hawick were suffering the most heart-rending privations—hundreds being compelled to be in attendance in or about the mills fifteen hours a-day, which, with the time for going and coming, made sixteen hours out of the twenty-four. This petition was forwarded for presentation to the noble Lord the Member for Bath, and was made over by that noble Lord to the noble Lord the Member for Dumfriesshire, by whom it was presented to the House. Having had some communication with the noble Lord the Member for Dumfriesshire on the subject of this petition, and considering it a matter of importance that Members of Parliament should not be led to make statements to the House founded upon false representations, he (Mr. Elliot) stated to the noble Lord that he was determined to ascertain the truth, on whichever side it might lie, and proposed to the noble Lord to go down to Scotland by the same night's train, that they might there, on the spot, make such inquiries as would lead to an exhibition of the truth. That he (Mr. Elliot) had no more means than the noble Lord of knowing which statement was true, except the confidence he felt in those from whom he had received the petitions which he had presented; but that he was resolved to clear this matter up, and hoped the noble Lord would be able to accompany him. The noble Lord was unfortunately prevented by circumstances he need not further refer to, from accompanying him; but both he and the noble Lord the Member for Bath having assured him that they had every confidence in the fairness of the investigation he would make, it was agreed that he should leave London that evening, and he accordingly did so, and arrived at Hawick to the surprise of every person there the following day, when he proceeded at once to the house of Mr. MacRae, the minister of the Established Church in the town. He ought here to state that Mr. MacRae had signed the counter-petition, to which also the signature of Mr. Campbell, the Episcopalian minister, had been attached —both these gentlemen being opposed to the system of working by relays. On seeing Mr. MacRae, he (Mr. Elliott) had asked him whether or not he knew the allegations it contained to be true? He stated that he believed them to be so at the time he signed it; but he had now cause to believe some of them were grossly exaggerated, and that had he been aware of that circumstance at the time, he should not have signed it. He (Mr. Elliot) then informed Mr. MacRae that it was his intention to make an inquiry with a view to elicit the truth, and proposed the following course, namely, to issue handbills through the town, inviting all the female workers and young persons to attend the Tower Inn at ten o'clock the following morning, the parents of the young persons to attend at eleven o'clock, and the masters, if they wished to see him, at twelve o'clock; and he had then requested Mr. MacRae to be present at the examination of these parties, in order that he might see the inquiry was fairly and properly conducted. To this Mr. MacRae kindly consented. He should add, that he also saw the Rev. Mr. Campbell, who, though he admitted that the statement in the petition of the workpeople being kept fifteen or sixteen hours about the mills was not strictly correct, said he considered himself warranted in signing it, because, though they in fact were only ten hours about the mills, their parents made them work during the hours they were at home in the day—thus keeping them that number of hours on the stretch. Now, he must call the particular attention of the House to this fact, as affording one more proof of the futility of this description of legislation, and of the fairness of the arguments used against the relay system. He then saw the person who had acted as Chairman of the meeting at which the counter-petition was resolved upon, and, having explained to him the object of his coming down, requested him to bring eight or ten workmen who had signed that petition to him, as he was desirous of proving, if it were true, that this petition was signed by the operatives in the mills. This person at once replied, that, to say the truth, he did not know of any workmen in the mills who had signed it. He (Mr. Elliot), however, believed that two men had signed it. Next day the inquiry he proposed took place, when the women and young children were examined, factory by factory. With the exception of, he believed, four or five, all declared their strong desire to continue relay working, and positively denied that any influence had been used to cause them to sign the petitions forwarded to him for presentation to the House of Commons; and he must now particularly call the attention of the House to those four or five cases of refusal to sign. He had asked those young persons why they did not sign, and the answers he received proved at once that no such influence had been used. They said they preferred the Ten Hours Bill for continuous working to working by relays. He then had asked, when you refused to sign, was anything said or done to persuade you to sign? The answer was, "No, nothing; we knew the petitions were preparing. When they were ready, we were told we might go and sign them, and when we said we did not wish to do so we were told 'to do as we likit.'" So much for the truth of these allegations. When the investigation was completed, he drew up a memorandum of what had passed between him and Mr. MacRae, and sent it to that gentleman to see if it was correct. [The hon. Member then read the correspondence that had passed between Mr. MacRae and himself on the subject.] It must be remembered that Mr. MacRae is opposed to the relay system—that he had signed the counter-petition, and may fairly be said to have embraced that side of the question; yet, on the termination of the inquiry, he acknowledges that he is satisfied the workers in the mills were in favour of working by relays, and the statements in the counter-petition greatly exaggerated. After this explanation, he (Mr. Elliot) thought he had a right to call upon the House to relieve him of any such charge of concealment as the hon. Member for Macclesfield had thought proper to bring forward against him.

Mr. J. WILLIAMS assured the hon. Member for Roxburghshire he had no intention to bring any charge against him. All he meant to do was to bring to the notice of the House that a counter-petition had been presented, the allegations in which, he had been informed, were true.

Mr. E. B. DENISON, as the representative of the largest number of operatives in the kingdom, wished to say one or two words. He merely rose to do an act of justice to the noble Lord the Member for Bath, because he thought he was somewhat unfairly attacked by the hon. Member for Halifax, when he accused him of having deserted those by whom he had stood so long and so steadily. The working people would rather have had a Ten Hours Bill, without alteration; but he believed that they were most grateful to the noble Lord for what he had done in time past, and that they would feel equally grateful to him for the course he had taken on the present occasion in doing his best to accomplish the settlement of a vexed and difficult question. He thought he had acted wisely in accepting a compromise; and he believed the operatives of Yorkshire would feel as grateful to him for the remainder of their lives as they had hitherto done. He should certainly vote on the present occasion in support of the Bill.

Mr. BROTHERTON said, that however zealous the hon. Member for Halifax might be in the cause of the operatives, he believed that the attempt to carry out his views to the full extent would only end in the defeat of his own intentions. He had been a supporter of the factory question before the hon. Gentleman was born; he had given his support to the factory measure of the late Sir R. Peel; but the hon. Gentleman was mistaken in supposing that that measure was a Ten Hours Bill. It was a Ten-and-a-half Hours Bill—the very Bill now proposed by the Government; and believing that this measure would confer more benefit on the working classes than any law which had ever received the sanction of the Legislature, he should give it his support. With respect to the Amendment, he believed that if the relay system were adopted, children would in many cases have to rise at half-past five o'clock, and be at work at half-past eight in the evening, although they might not be at work more than the allowed time. He should therefore oppose the Amendment.

Mr. BRIGHT said, he was sorry that a question of this magnitude had the misfortune of being discussed at a time when Members did not like to pay any attention to a subject which required investigation and thought. But depend upon it this question was well worthy of being discussed and understood by the House. He was not then going to enter upon the general question of the Bill of 1847, but would confine himself strictly to the Motion before the House. The Amendment proposed by the hon. Member for Roxburghshire involved this question—not whether young persons and women were to be worked for more than ten hours a day, but whether in carrying out this system it was to be made imperative on all adults, and even on machinery, that they should not work for more than ten hours. The hon. Member for Roxburghshire proposed a plan by which they might obtain all the objects which the House had ever proposed to itself—that was to say, the limitation of the hours of labour for children and women of any age to ten hours, without absolutely restricting the labour of adults and machinery to the same number of hours. Every Member of that House would admit that if the object of Parliament could be attained with regard to children and women, without putting an end to the working of adults and machinery at the expiration of ten hours, it would be worth while to attend to any proposition for that purpose, and not to prevent it by law. It was clear that the hon. Member for Salford did not at all understand the proposition, for he assumed that under this system persons were to commence working at half-past five o'clock, and that they might be required to be at work at half-past eight on the same day. That was no part of the system proposed by the hon. Member for Roxburghshire, nor was it absolutely necessary in the working by relays as now practised in different parts of the country. The right hon. Gentleman the Home Secretary would bear him out in saying that he had had submitted to him several plans under which the system of relays could be put into operation without at all violating or infringing the object which the House had in view in limiting the labour of children and females to ten hours a day.

What he should propose to the House was this—that as the question was one of great magnitude—as many Members of the House believed that relays could be worked without the inconvenience charged upon them—seeing that in the towns to which the hon. Gentleman the Member for Roxburghshire referred, both the masters and workpeople were anxious that the relay system should be continued by law—and seeing also that the Committee was not in possession of sufficient information on the subject to enable them to come to a sound conclusion—the question should be referred to a Select Committee. He would give the Committee two cases to show what the result of the Bill would be if passed into a law. He had received the following facts from some large manufacturers in the county of Somerset. They furnished him with the number of persons at work in their mills, and said that the moment this Bill passed, from thirty to forty persons would be discharged from their employment, and this in a parish or rather cluster of parishes where there was an excess of pauperism, and complaints of want of employment. Here was another case. The Messrs. Malcomsons had a large cotton manufactory at Portlaw in the county of Waterford. Their investment exceeded 100,000*l.*, and they had worked for the last three or four years by relays, because they had not been merely permitted but encouraged by the late Mr. James Stuart, the inspector. They declared that they would have experienced a loss for the last four years had they not been permitted to keep their machinery at work for a longer period than they would be enabled to do under this Bill. They state that on the very day that this measure passed into a law, more than 100 persons who were now regularly employed every day, wet days and dry, with their wages constantly paid every week or every fortnight, would be discharged from the mills and thrown back into that mass of misery and pauperism which unfortunately spread over too large a portion of that part of the united kingdom. Now, when they were called on to pay for the support of Irish paupers, when hon. Gentlemen from Ireland complained that the poor-law was oppressive, was it right or reasonable that they should come to a determination, without any inquiry, without any investigation, by which from 100 to 120 persons would be discharged from their employment, and prevented from earning their own living? He had been at Portlaw last year; he had seen how the system worked, and was therefore able to state that it was advantageous to all concerned; and he would rather, whatever were his opinions on questions of political economy, leave the House, never to return to it, than be a party to an Act of Parliament which would discharge more than 100 persons from an honest, an honourable, and well-paid employment, originating in the ignorant sentimentalism of the party who advocated the other side. He was not going to argue the question of the Bill of the noble Lord the Member for Bath, or of the Government. What he asked for was, a Select Committee for the specific purpose of ascertaining how far the system of working by relays was prejudicial, as some assumed it to be—how far it could be carried out consistently with the maintenance of the objects which Parliament had in view—and whether it was necessary to put a stop to the labour of adults and machinery in the great manufactories of the kingdom. When the Motion of the noble Lord the Member for Colchester came under discussion, he would take the opportunity of bringing before the House certain facts which he thought to be important with regard to the general question. If the right hon. Gentleman the Home Secretary did not grant the Select Committee for the special purpose mentioned, he (Mr. Bright) could be no party to a measure which would restrict working in factories, and therefore he would give his cordial support to the proposition of the hon. Gentleman the Member for Roxburghshire—a proposition which if carried could not of course be restricted to Scotland, but must apply to all parts of the united kingdom.

Mr. W. J. FOX said, the proposition for referring this subject to a Select Committee tended to reopen a question that had been already settled and repeatedly decided by the Legislature. So far back as Sir James Graham's Factory Act, the Legislature intended to put a stop to the system of relays. It was evident that the system (except in a few such exceptional cases as those mentioned by the hon. Member for Manchester) must generally have the effect of increasing rather than of diminishing the numbers employed, because relays were a mode by which the employer got his work done by a smaller number of hands. The Government inspectors all declared that if relays were permitted, it would be impossible to guard against the evasion of the law; and they also testified to the good results arising from the Ten Hours Act of 1847. But what the House had now to do with was, the faith and honour of the Legislature. The Act of the late Mr. Fielden, regarded as a boon, had been gratefully accepted by the mill operatives, its benefits to whom were notorious to the country; while regarded as a compact, it had been observed faithfully by the great majority of the millowners, and no proof existed that their interests had been at all injured by the Act. Earnestly as the operatives had desired that measure, arduously as they had toiled and struggled for it for many a long year, looking to it as a great object to be accomplished during their lives, and bequeathed by them to their children, as well as for their own individual advantage, it must indeed be a bitter disappointment when they found that, by the imperfect machinery of the Legislature, that House had failed to attain its own distinctly avowed purpose. There could not be a doubt, he thought, in any calm and dispassionate mind, that the House in 1847 meant to give a thoroughly honest Ten Hours Act. It was no fault of the working people that the Act did not turn out as it should have done; it was the fault of lawyers and legislators; and the one thing he apprehended which the House had to do—and he was sorry that they could not entirely stick to that one thing—would be to give the working people the reality of that of which they already have the semblance and the implied promise. He hoped, however, that the Committee would reject the present Amendment, which went to nullify all the previous legislation that had taken place on the subject.

Mr. S. CRAWFORD opposed the Amendment, because the unanimous feeling of the operatives of Rochdale, whom he had the honour to represent, was in favour of the Ten Hours Act; and they demanded, as an act of justice, to have the original compact implied in that measure fully and faithfully adhered to.

Question put, "That the words 'save as hereinafter mentioned' stand part of the Clause."

The Committee divided:—Ayes 246; Noes 45: Majority 201.

List of the Noes.

Baring, H. B.
Bass, M. T.
Bouverie, hon. E. P.
Brockman, E. D.
Brown, W.
Carter, J. B.
Caulfeild, J. M.
Charteris, hon. F.
Clements, hon. C. S.
Colebrooke, Sir T. E.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Divett, E.
Ellice, E.
Fitzwilliam, hon. G. W.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Hawes, B.
Heyworth, L.
Houldsworth, T.
Hutchins, E. J.
Hutt, W.
Keogh, W.
Lacy, H. C.
Lockhart, A. E.
Martin, J.
Matheson, A.
Matheson, J.
Melgund, Visct.
Molesworth, Sir W.
Mowatt, F.
Romilly, Col.
Scott, hon. F.
Somers, J. P.
Spearman, H. J.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Villiers, hon. C.
Wall, C. B.
Willyams, H.
Wilson, J.

TELLERS.
Elliot, hon. J. E.
Bright, J.

Lord ASHLEY was desirous of supplying what he conceived to be an omission in this clause. By the existing law, young children were not to work more than a certain number of hours, but no limit was fixed within which those hours should be; it would therefore be possible to employ children coming within that Act at any hour; although by the present Bill it was proposed that "young persons and females" should not be employed before six o'clock in the morning, or after six in the evening. If the Amendment he had to propose were not adopted, the effect would be that there would exist two Factory Bills. By the present law a child might commence work at half-past five o'clock in the morning, although, by this Bill, an adult would not go to work till six. Then, again, by the Act to which he was referring, a child might be kept on the premises till half-past eight in the evening, although an adult, under the provisions of the Bill before the Committee, would leave the premises at 6. This disparity of the law would operate very prejudicially; and to obviate the evil he should propose that the words "no child" be inserted before the words "no young person," the effect of which would be to make the law uniform in its application to all young people and females.

Amendment proposed, in page 2, line 12, after the word "Act" to insert the words "no child."

Sir G. GREY begged to say the omission was not accidental, but that all alterations in reference to children were purposely left out of the Bill. The object of the Bill of the noble Lord the Member for Bath was to require that the labour of all young children should be continuous. Now, in ninety-nine out of every hundred cases under the Bill of his noble Friend, labour would commence at six in the morning and terminate at half-past five in the afternoon; and if that were extended to children continuously it would be an extension of the limitation of labour. The present Bill did not extend the limitation; the children were left in the exact position in which they were after the passing of the Twelve Hours Bill, with the exception of being worked at present by relays, the intervals being devoted to attendance at school. He therefore thought that they would be departing from the object and spirit of the Bill were they to consent to the introduction of the limitation suggested by the noble Lord.

Lord ASHLEY said, that his Bill did not contemplate any limitation of labour to the hour of six in the afternoon. He wished to know if children of tender years should not be permitted to enjoy the same indulgence as adult women. A great number of millowners were in favour of that course. [Sir G. Grey: Only one or two.] He was in possession of a letter from a most respectable and influential millowner in Manchester, in which he sincerely wished success to his (Lord Ashley's) exertions, and stated that public opinion condemned the coercion of children to labour at hours in which adults were free.

Sir G. GREY could not consent to the introduction of the words into the clause, because, though children worked at hours in which adults did not work, yet their work was not continuous compared with that of the adults.

Mr. AGLIONBY considered that it became the Legislature to secure to the working classes that which it had undertaken to give them. With regard to the Amendment of the noble Lord, it had appeared to him (Mr. Aglionby) that the omission of "children" from the Bill was an inadvertence, but he was sorry to find from what had fallen from the right hon. Baronet the Home Secretary that it was intentional.

Mr. EDWARDS: I certainly laboured under the same impression as the hon. Member for Cockermouth, and am quite surprised to find that this Motion of the noble Lord the Member for Bath has become necessary; for I had been led to believe that the omission of the word "children" was entirely accidental, and was to be remedied by the Government. I hold in my hand the *Times* newspaper of the 14th ult., which contains a report of a speech made by Mr. Grant, secretary of the Lancashire Short Time Committee, apparently from authority, in which the subject is particularly alluded to; and the substance of the conversation between the noble Lord and Sir George Grey, as to the insertion of the word "children" is given, from which the factory delegates, to whom he addresses his speech, must have imagined that there was no doubt the word "children" had been accidentally omitted in the Government amendments. The words attributed to Mr. Grant are as follows:—

> "When the Government scheme came out, there was no provision made that children should be allowed to leave the factory at six o'clock in the evening. He mentioned that matter to Lord Ashley, who brought it under the consideration of Sir George Grey. Sir George Grey, at first, considered the alteration unnecessary, but eventually gave way, and promised to introduce a provision in his amendment, by which children should be placed on the same footing as females and young persons. By this means, the labour in factories would be limited to the hours between 6 A.M. and 6 P.M."

I quite agree with the noble Lord that children, as well as adult females, should be included in the Bill; for if they do not receive protection, the consequence must be that many young females will be thrown out of employment, and their places filled by children of tender years.

Mr. BRIGHT did not think the question was clearly placed before the Committee either by the noble Lord the Member for Bath, or by the right hon. Baronet the Home Secretary. The House should bear in mind that legislation for children under 13 years was different from that which regulated the labour of persons above that age. At present a boy or girl under 13 years could be employed only six and a half hours each day. But if they chose to work only three days in the week, they could work ten hours each day. If they chose to commence so early as not to work after one o'clock in the day, they could work seven hours per day, or forty-two hours per week; and that referred to all factories with the exception of silk, in which a child of 11 years might work ten hours. The object was twofold: first, to allow of their being educated, having three hours per day to devote to mental improvement; and, secondly, to allow them to work by relays. These children would not be employed for six and a half and seven hours, if not employed under the system of relays in the morning and afternoon. Now, what was the proposition of the noble Lord? Why, that these children who worked seven hours per day were to be reduced to five and a quarter hours per day. He asked the House if anything so monstrous had ever been proposed, as that strong, robust boys, of 12 and 13 years, should be prevented, by statute, from working more than five and a quarter hours per day at an employment confessedly the least laborious? The object of the noble Lord was to prevent the possibility of any mill in which adults were employed being employed more than ten hours per day. The prompters of the noble Lord, as well as the noble Lord himself, might endeavour to conceal their real object, but he asserted that object was not sympathy for the children employed, but a wish to stop the labour of the adults engaged. That was the real object the alterations had in view; and therefore he hoped the House would not sanction or acquiesce in it. It would be easy to show the evil consequences that had followed from past legislation on the same principle as regarded interference with the hours of labour. He held in his hand a letter from one of the most respectable and influential concerns in Manchester, the Messrs. Kennedy and Co., which contained some important statistics of poor-law relief caused by legislative interference with the hours of labour in factories. It showed that in a certain week in the year 1845, the whole number of children relieved was only 401; whilst in a certain week in 1849, they had risen to 1,239. There had been a corresponding increase in the poor-rate, by reason of the numbers driven from the factories by previous legislation. In his opinion there was some inconvenience in having persons working only six or seven hours per day; but let the present measure pass, and the hours would be reduced to five and a quarter per day. As regarded compromise on the question, he should say the noble Lord the Member for Bath never proposed such an alteration in his Bill of 1847; and he (Mr. Bright) then wished to know if that House, after the experience it had had, was going to plunge deeper into the difficulties inseparable from legislation of this character. And, whilst referring to the matter of compromise—if compromise there was—he should say it was this, that if the Government proposed an addition of two hours, it was thought there would be no strong opposition to that proposition; but it was never said that Government should add any further restriction with regard to children under 13 years. No child could work more than seven hours per day; and in order to work that time, he should commence at an hour that would enable him to finish by one o'clock in the afternoon; and, if he chose to work only three days in the week instead of six, then he might work ten hours per day. Now, he wished to know if any Gentleman considered such an amount of labour to be hurtful, or whether it was necessary to make any alteration in it? If the alteration contemplated were adopted, and that children could not work more than five and a quarter hours per day, the consequence would be a diminution of remuneration as well as of labour; and probably the result might be that they would be driven from the factories, and added to those to whom he had already referred as being thrown dependants on the poor-rate. The letter went on to state that at the time of the passing of the Eleven Hours Bill, the Messrs. Kennedy and Co. were employing upwards of 130 children under 13 years of age; yet, in a short time, so annoyed were they by the interference of the inspectors appointed under the Act, that they became disgusted, and dismissed from their employment—many other proprietors doing the same—the entire 130 children. So that the only effect of the protective clause introduced into the Act was to cause the dismissal of these children. He (Mr. Bright) was satisfied that the tendency of legislation, such as they had heard advocated there that night, was neither convenient for those engaged in trade, nor benevolent towards those employed; and that they could not follow worse counsel than that suggested by the noble Lord and his friends, namely, to make the Act more restrictive than it was in 1847. The noble Lord the Member for Bath had referred to a letter received by him from a gentleman in Manchester. Now, he (Mr. Bright) knew the gentleman very well to whom allusion had been made—for the noble Lord had not mentioned his name—and he also entertained a great respect for him. But perhaps the noble Lord was not aware that there prevailed a general wish for uniformity of working hours amongst the factory proprietors. Nothing could be more fatal to the trade than the course which it was desired to pursue; and nothing could be more fatal, he would add, to their own legislation: for let them press the matter a little tighter than they had done, and the time was not distant when they would be called upon to retrace the whole of their legislation with regard to this question.

Mr. BROTHERTON said, he felt that this question must be settled by authority. His hon. Friend the Member for Manchester had quoted a letter of a respectable firm which had been the first to break the law. [Mr. Bright begged pardon—that firm did not break the law.] At all events they evaded it. He was in possesion of a letter from a manufacturer—[*Cries of* "Name!"]—he did not feel bound to give the name—who took a totally different view from that expressed by the hon. Member. The great recommendation of this proposal to his mind was, that it would make everything perfectly simple. If it were passed, all could commence work at six in the morning, and leave off at six at night. There would be no need even of the superintendence of inspectors. All the world would be able to see when the people commenced and when they left off work. Such uniformity would, he was sure, give great satisfaction to the trade, and produce all the good consequences which were anticipated. He was not at all apprehensive of the fatal results expressed by his hon. Friend the Member for Manchester, and he recommended the Committee to adopt the Amendment.

Mr. BRIGHT, in explanation, said the firm to which his hon. Friend alluded had neither broken the law nor evaded it. When they were summoned to appear before the magistrates of Manchester, the prosecution was, he believed, in every case unsuccessful, and finally their view of the law was held to be correct. No man, therefore, had a right to say that they had either broken the law or evaded it. His hon. Friend now said that the object was to prevent the men and the machinery from being worked more than ten hours and a half. That object was not stated in 1847, and therefore the course pursued was neither fair nor candid.

Mr. MUNTZ said, supposing the object to be to limit the employment of the men to ten hours and a half, would his hon. Friend the Member for Manchester say that they worked for that period? There was a great difference between the ages of thirteen and eight. Was it right to require children to work as they did, or would any man like his own children to work so long? He contended that there was no occasion to work children to death before they were half grown. His hon. Friend had called upon them to look at the number of pauper children who had been created by restriction as to time. He would ask him who had been doing the work? Somebody had done it; and if children had not been made paupers, adults would. They might as well have child-paupers as any other paupers. The truth was, and it was of no use to attempt concealment, that masters manufactured at such a fine profit that they wanted to get more work out of their people than they ought to do; and, not being able otherwise to obtain a profit at existing prices, they wanted to edge off on another principle. He had voted for the former Bill as a *boná fide* Ten Hours Bill. He believed, too, that the House so regarded it, and the addition of two hours would make the people think that they were not honestly represented.

Sir G. GREY said, the sole object of the Government was to leave the children protected as they were by the regulations which were not touched by the Act of 1847, believing that those regulations had worked admirably, and could not be improved.

Mr. M. GIBSON said, this proposition was not included in the Ten Hours Bill, and he, for one, was taken by surprise. Seeing how completely hon. Members had failed to carry out their own intentions, he hoped the House would not give a sudden assent to this new proposition. No one complained that children were now worked for a longer period than was desirable. By adopting this suggestion the House might be reduced to the necessity of again entertaining the question in another Bill, and become involved in endless difficulties.

Mr. WALTER said, that the right hon. the Secretary of State for the Home Department had stated truly that the limitation of the hours of labour from six in the morning till six in the evening was not contained in the Act of 1847. The limit was only with respect to the quantity of work, and not as to the hours between which the work was to be performed. A new principle had however been introduced into the present Bill—that of the limitation of the hours for labour; and he presumed that the Motion then before the Committee was a necessary corollary from this new principle of the Bill. He considered the limitation of the hours for labour, as applied to children, to follow necessarily the limitation of the hours for labour as applied to young persons and women. One very obvious consideration in connexion with this subject was that these children had a strong claim when they left the factories at the close of their work upon the protection of those young persons and friends who were best known to them; and it appeared to him that to send the children to their homes from the factories unprotected, at so late an hour as half-past eight in the winter evenings, would be to expose them to risks and dangers to which they would not be exposed under the original Ten Hours Act. For that reason he would support the proposal of the noble Lord the Member for Bath. Considering, also, that they added by this Bill two hours per week to the labour of the young persons and women, it seemed but reasonable that a certain deduction should be claimed on the other side from the hours of labour of the children, and the quantity proposed appeared to him a very fair deduction. With respect to the hon. Member for Manchester, he thought that he had not consulted either his own dignity or the credit of the cause which he supported, by throwing imputations upon the supporters of the Bill, which he (Mr. Walter) entirely disclaimed. He did not wish to interfere with the labour of adults, nor did he wish to limit the hours of labour for young persons and women beyond the period which they themselves might choose. If they preferred to work twelve hours out of the twenty-four, he would not interfere with their wishes upon that point. He considered the proposal of the noble Lord with respect to the labour of children an extremely reasonable one, and would give it his cordial support.

Sir G. GREY explained that what he had stated was, not that the Act of 1847 contained no limitation of the hours of labour, but that no alteration had been made by that Act with respect to the regulations affecting the labour of children as settled by the Act of 1844.

Mr. STANSFIELD hoped, considering the unexpected manner in which the subject had been brought forward, that the noble Lord would not persist in his Amendment.

Mr. TRELAWNY said, it appeared to him that there was a very loose habit of cheering in that House. The hon. Member for Birmingham had talked about the abstracting of an undue profit, and hon. Gentlemen opposite had cheered him vigorously. Suppose the manufacturers were to retaliate by proposing some cumbrous machinery for landed property. The predictions which he had formerly made with regard to the difficulties of working a Ten Hours Act had been fulfilled. The doctrines preached on this subject were, he believed, doing great injury to the working classes, leading them to look to something separate from their own exertions. The more sensible men amongst the working classes were not desirous of such legislation, feeling confidence in those who were ready to extend to them the suffrage, and who had taught them a totally different doctrine. It had been said that the working classes generally were in favour of this measure. Would those who supported it on that ground extend to them the suffrage, which they also desired to obtain? He really believed that he consulted the interest of the working classes, by opposing the Amendment.

Mr. SLANEY said, the question was whether or not the limitation of the hours of labour as regarded children should be within the same periods as those of young persons and women. If the hours during which they worked were co-extensive, then he should agree with the noble Lord that they were only to work seven hours during the day, or ten if they worked only three days a-week; and, therefore, why he opposed the proposal of the noble Lord was that he firmly believed it would have the effect of reducing the hours of labour in the factories to ten hours entirely, and would thereby prevent adults getting more than ten hours' wages, which would be most injurious to the great mass of the working classes in the kingdom.

Mr. Alderman SIDNEY supported the Amendment on the grounds of humanity. It had been his lot to see in a manufacturing town little children going to their work in the factories at five o'clock in the morning. If, therefore, the Amendment were not adopted, they might be obliged to rise at half-past four or five to get to their work by half-past five; and, if the children were obliged to go to their work half an hour before the rest of the family, the whole family must be disturbed.

Mr. HEYWOOD said, he had lived in a manufacturing district, and had observed that there was no greater characteristic of such a district than the large number of children. He considered it was of great advantage to the families to have a demand for the labour of their children, and that it was not injurious to the health of those children that they should have a moderate degree of labour. He should therefore support the original clause.

Question put, "That the words 'no child' be there inserted."

The Committee divided:—Ayes 72; Noes 102: Majority 30.

List of the Ayes.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Arundel and Surrey, Earl of
Bankes, G.
Bateson, T.
Beckett, W.
Beresford, W.
Bernal, R.
Best, J.
Blackstone, W. S.
Blandford, Marq. of
Bremridge, R.
Brocklehurst, J.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Brown, H.
Chichester, Lord J. L.
Cochrane, A. D. R. W. B.
Crawford, W. S.
Denison, E.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Du Pre, C. G.
Edwards, H.
Fox, W. J.
Gaskell, J. M.
Granger, T. C.
Greenall, G.
Grosvenor, Lord R.
Gwyn, H.
Hall, Sir B.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Hornby, J.
Hudson, G.
Jocelyn, Visct.
Lindsay, hon. Col.
Moore, G. H.
Mullings, J. R.
Muntz, G. F.
Napier, J.
Newport, Visct.
Packe, C. W.
Plowden, W. H. C.
Plumptre, J. P.
Prime, R.
Salwey, Col.
Sandars, G.
Sidney, Ald.
Stafford, A.
Stanley, hon. E. H.
Strickland, Sir G.
Stuart, Lord D.
Thompson, Col.
Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Vyvyan, Sir R. R.
Wakley, T.
Walmsley, Sir J.
Walter, J.
Wawn, J. T.
Wegg-Prosser, F. R.
Williams, J.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.
Ashley, Lord
Brotherton, J.

Lord ASHLEY said, that in consequence of the position in which he had been placed by the result of the division which had just taken place, he should consider himself altogether relieved from the obligations which he had entered into with respect to this Bill. He certainly could not consider the decision which had just been come to by the Committee a final one, and upon the first opportunity which might arise he should feel it his duty to restate the claims of those parties to whom his Amendment referred.

Mr. BROTHERTON trusted that the rejection of the Amendment would not have so prejudicial an effect upon the Bill as the noble Lord appeared to anticipate. He believed that the master manufacturers had entered with perfect good faith into the compromise, and he was willing to hope that they would honourably carry it out.

Lord ASHLEY said, that he was only anxious to guard himself so far, that he would not be under any further obligations with respect to the compromise entered into by him, and that he should feel himself at perfect liberty to act as he considered best in the matter.

Sir G. GREY said, that he had always understood that the noble Lord wished to introduce children into the Bill, and he had, in preparing his Amendment, done nothing in the least degree inconsistent with any previous expression of opinion upon the subject. The noble Lord had told him privately that he wished to introduce children into the Bill, and he (Sir G. Grey) had stated that he would not agree to a proposal of that kind. The noble Lord had done what he had fully expected he would have done, namely, taken the sense of the House upon the subject, and he must have known at the same time that he (Sir G. Grey) would have felt it his duty to oppose the Amendment.

The House resumed.

Bill reported; as amended, to be considered on Monday next.

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

House went into Committee on this Bill.

Clause 19.

Mr. STANFORD moved an Amendment to the effect, that fees for the removal of bodies to burial grounds should be submitted to, and authorised by, Parliament. The board, no doubt, might consist of just and honourable men, but the people of this country would expect that their representatives in that House should at least suggest such amendments as appeared absolutely necessary, and that which he had submitted to the House seemed to him to be one without which the Bill could not fail to operate most disadvantageously to the public.

Sir G. GREY said, that if the fees were not to be chargeable until after they received the sanction of Parliament, the effect would be, that the present Bill could not come into operation till next Session. The table of fees might not be ready during the present Session, and the only way then in which they could receive the sanction of Parliament would be by Act of Parliament passed next year; therefore, if the Amendment were agreed to, it would have the effect of altogether suspending the operation of the present measure.

LORD D. STUART observed, that there was the same objection to this clause as there was to every other clause in the Bill—it gave absolute power to the board. The Bill was supposed to be a poor man's Bill, but the clause now under consideration was assuredly a rich man's clause.

LORD ASHLEY denied that it was a rich man's Bill. At present the expense of a faculty was very great, and by the Bill power was given to the board to do that for poor persons at a small expense which they could not at present effect otherwise than at great cost.

SIR B. HALL desired attention to this, that the question of fees had now been raised, and he thought the House ought to be placed in such a position as that they should know what the fees were likely to be. What they wanted to know was, the probable expense of removing a dead body from any parish in the metropolis to an extramural cemetery.

LORD ASHLEY thought that any statement on the subject of fees had better be postponed till they reached the next clause.

MR. ROEBUCK begged to remind the Committee that a fee for a faculty was usually paid under the influence of very painful feelings, and he hoped—nay he had no doubt—that the clergy did not desire to tax the people for seeking to relieve the severity of those feelings; but as to the public he had no difficulty whatever in saying that there were many very serious reasons why the public should not be taxed on account of faculties. The feelings which induced surviving relations to desire the removal of dead bodies certainly did sometimes exist, but they were, on the whole, rare. It seemed to him that the general rule should be to allow "the tree to remain where it fell;" the removal of dead bodies was, generally speaking, objectionable, and there certainly was no reason why the clergy should levy a tax on account of it. He was of opinion that the maximum fee might be put into the Bill then.

SIR G. GREY said, that if so it must, under present circumstances, be high, and he certainly should be unwilling to see a high rate charged to persons of small means.

MR. ROEBUCK maintained that the fee ought to be extremely small, but that general words might be introduced into the Bill, imposing all the proper expenses of removal on those by whose desire the removal was effected.

MR. T. DUNCOMBE thought it would be much better to do away with the faculty altogether. It was idle to talk of removing bodies from metropolitan burial places; they might not be for three weeks at a time in the places where they had been deposited. How could it be otherwise, when 8,000 were buried in one acre, when 136 were all that it could fairly be made to contain? It was under such circumstances a mockery to require that people should ask and pay for the consent of the incumbent.

SIR G. GREY said, that not a farthing of the fees would go to the clergy.

MR. ROEBUCK was willing that there should be a fee for burials and removals, but he would stop there and give nothing for consents.

SIR G. GREY said, that the burial ground was the freehold of the incumbent, and his consent in law was necessary.

The CHAIRMAN called the attention of the hon. Member for Reading to the circumstance that his Amendment applied to the 20th clause of the reprinted Bill.

MR. STANFORD said, he perceived it was so, and would for the present withdraw his Amendment.

MR. ROEBUCK wished to know whether the right hon. Gentleman would dispense with the consent of the incumbent?

SIR G. GREY repeated that he could not consent to any proposal which would interfere with the incumbents' right of freehold in consecrated ground.

MR. ROEBUCK moved as an Amendment that the words "with the consent of the incumbent" be left out of the clause.

Amendment proposed in page 7, line 14, to leave out the words "incumbent or other."

SIR G. GREY had no particular objection to such an Amendment, because the words which followed, "or other person having the control or care of any church, &c.," would be sufficient to insure the object in view, namely, the consent of those having the right of freehold.

MR. ROEBUCK might as well state at once that it was his intention afterwards to move the omission of these words also, and to propose the insertion of the words "with the consent of the Board of Health."

SIR G. GREY, after the explanation just given by the hon. and learned Member, would object to the Amendment, for the reasons he had before given.

Mr. MACKINNON asked how, in the event of a measure like the present being extended to Manchester and other large towns, the Board of Health in London could be consulted about the removal of dead bodies?

Sir G. GREY, with reference to the question of fees, thought words might be inserted in the next clause to the effect that the incumbent should have no fees, though he still would have the privilege of giving his consent or withholding it.

Mr. STANFORD said, the hon. and learned Member for Sheffield proposed to take the fee from the incumbent and give it to the Board of Health, an irresponsible body, which that hon. and learned Gentleman would, in other circumstances, have exerted all his logical acuteness and power of invective to denounce. But, because it gave him an opportunity of taking something from the clergy, he was ready to give the advantage to this irresponsible board.

Mr. ROEBUCK would appeal to the House whether that was a fair conclusion from what he had said. He understood that the fees provided by the Bill were to go into a fund from which the claims of the present incumbents were to be paid; and he thought that all sums, even those got by the removal of bodies, would be put into that fund, and appropriated to the purpose he had just stated. There were persons who had a captious desire to find fault, but whose power and capacity for doing so did not equal their wishes.

Mr. B. OSBORNE said, the hon. Member for Reading, who had made an observation regarding the hon. and learned Member for Sheffield, had certainly not shown much acuteness himself that night, for he had moved an Amendment on the 19th clause, which it turned out should have been made on the 20th, and now he had made a speech which should have been made on a totally different clause also.

Mr. SADLEIR thought the Board of Health should be the responsible party. Respecting the remark made by the hon. Member for Lymington, if the provisions of the Bill were extended to other large towns, of course no one would purpose that in that case the consent should lie with the Board of Health. The power would then be given to some other body.

Mr. LACY thought a certain amount should be paid by way of fine for the removal of bodies. The public health might be endangered if every man were to take out his wife, to carry her to another burying place.

Mr. AGLIONBY thought the hon. Gentleman need be under very little alarm on that point. He was mistaken in supposing that anybody would rush into the churchyard to carry off his wife.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 88; Noes 48: Majority 40.

Clause agreed to.

Clause 20.

Lord ASHLEY said, in the Cemeteries Companies Bill there was no scale of charges, nor any system of check or control on the amount of the fees. However, there was this distinction to be observed, and it was a distinction of great importance as to the framing of the Bill, that here they had no view whatever of profit, and their object was that the fees should be constructed on a scale which was just sufficient to meet the necessary expenses, and no more. It was not required that there should be any profit whatever on which to declare a dividend. In comparing the fees of the existing cemeteries with those proposed under this Bill, he found that the fee of the existing cemeteries for the grave of a pauper, including the burial service, and the digging of the grave, and everything, in short, except that which belonged to the undertaker, was 9*s*. The fee proposed by this Bill, and which he hoped they might hereafter be enabled to reduce, was 7*s*. Going to the next class, which was the artisan, whose family defrayed his funeral expenses, the fee of the existing cemeteries might be taken at 1*l*. 8*s*. 7*d*., although the general charge very much exceeded that amount. They proposed, instead of 1*l*. 8*s*. 7*d*., to take 1*l*. 5*s*. Then, when they came to the private grave, which involved the freehold, the demand in the existing cemeteries was 5*l*. 7*s*. 6*d*.; they proposed to take 4*l*. It would be very difficult indeed to impose a maximum of fees of an order above that, and for this reason, that it very often happened the parties wanted certain positions. Some great man wished to be interred in a particular spot, and his relatives wished to be interred about that spot. Very often in some of the cemeteries about London there was a monument, and parties were anxious to be interred about that spot. However, that being the case, and some positions being better than others, he thought it very desirable that in the highest department of fees a discretion should be allowed to the board, because, if there was a great demand for interments in given districts, how was the board to decide? If they were not governed by some rule of this description, they would be charged with jobbery. He thought it far better to make payment the rule, and not leave it to the board to say whether this party or that party should be interred there, but if there was a demand for a particular spot, to make it a matter of payment. He thought that would take away from the board a great degree of responsibility. The House would bear in mind that this table of fees, when constructed, was to be submitted to Parliament every year. It was to be submitted in a report to the Secretary of State, who was to lay that report before Parliament for approval, so that there would be an opportunity every year of revising these fees. This condition would be found under the 69th clause.

MR. ALDERMAN SIDNEY said, the noble Lord was misinformed with respect to the charges of cemeteries. In the first place, the noble Lord stated that the charge for a pauper was 9*s.* Why, he had been making inquiries of parties conversant with the matter, and he found that in churchyards—

LORD ASHLEY: We are not talking about churchyards. I am comparing these fees with the demands of cemetery companies, not with churchyards.

MR. ALDERMAN SIDNEY said, 7*s.* was the charge made under this Bill for the interment of a pauper. Now, there was no charge whatever made for the interment of paupers in churchyards. And, then, with regard to artisans, the charge in the Abney-park Cemetery was 15*s.*, and in another cemetery he was acquainted with, 12*s.* 4*d.* The noble Lord said, the charge under this Bill was to be 27*s.* He took it for granted that the artisan would think there was very little liberality shown towards him. Then, with regard to the third item, the noble Lord stated that the charge in cemeteries for private graves was 5*l.* 7*s.* 6*d.* Now, the charge universally made for a private grave was 3*l.* 3*s.*, to which was certainly added a fee of 2*l.* 2*s.*, but then the grave once purchased, the family had a claim to have other bodies put in it, paying 2*l.* 2*s.* only. The charge of 4*l.*, as proposed by the noble Lord, was a great advance on the existing companies.

MR. ROEBUCK wished to know why there should be this regulation of fees. The noble Lord said they did not want a dividend, but merely wanted to pay their expenses. The expenses, he supposed, were first for the salaries of the existing incumbents of parishes, and there was also the expenses of management. [Lord ASHLEY: The purchase of land.] Purchase of land undoubtedly. But the expense of burying a rich man was the same as the expense of burying a pauper. The area in which the body lay was the same for a pauper as for a prince. Why not charge 7*s.* for every body? If they told him that would not be enough to cover the expenses, then he could understand them, and then he should say they had better come to Parliament for the money.

MR. STANFORD rose to move the Amendment of which he had given notice. Profit not being the object of the board, did not, in his opinion, constitute a sufficient guarantee against improvident expenditure and extravagant charges, and of this the conduct of the Sewers Commission afforded a sufficient example. What did the noble Lord mean by saying that Parliament would have a controlling power over the proceedings of the board? A report would be laid on the table every year, and hon. Members might make their complaints, but the only substantial remedy would be to repeal the Act itself. It was the duty of the Government, if they wanted the Bill to pass—and he was as anxious as any person that it should pass this Session—to have placed all these restrictions on the Bill. He hoped that hon. Members would support him in the Amendment which he now moved, namely—

> "To add, in page 7, line 12 of the Clause, these words, 'such Fees or Sums having been first submitted to, and authorised by, Parliament."

SIR B. HALL wished to call the noble Lord's attention to the charges made at St. John's Wood burying ground, which was remarkably well conducted. There the charges were—for the clergyman and use of the ground, 4*s.* 4*d.*; clerk and sexton, 2*s.* 6*d.*; and the bell, 1*s.*—making altogether 7*s.* 10*d.* for each interment. Now the noble Lord stated that 7*s.* would, he hoped, be the minimum charge, and that the interment of an artisan would not cost more than 1*l.* 5*s.* It was said this measure would not only improve the sanitary condition of the people, but that the expenses of interment would be much cheaper.

In his opinion it was a perfect farce. By whom were the expenses of conveyance to be paid?—out of the fees, or by the relatives of the deceased? Were they to have a railroad or a funeral steamer for the purpose? He apprehended it would be a very disgusting undertaking. However, the public were entitled to have every information relative to the proposed financial affairs. Every one had now power to select any ground for the purpose of interment; but under this Bill the matter was compulsory upon the highest Peer of the realm, as well as the poorest artisan. It was a very arbitrary measure, and there should, at all events, be a schedule of the fees attached to the Bill, in order that the hon. Members might have an opportunity of communicating with their constituents, and ascertaining their opinions on the subject. The noble Lord had very candidly stated that an artisan should pay, under this Bill, some 17*s*. more than he need pay at present.

Sir G. GREY said, that the hon. Baronet had, in his innocence, made an extraordinary discovery that extramural interment was more expensive than intramural. He took the maximum charge fixed on by the noble Lord, and then selected a churchyard where the charges were cheaper than any other about London. [Sir B. Hall: It is only half-a-crown at St. Pancras.] He was at a loss to know how the matter was to be accomplished for a less sum than that suggested by the noble Lord, unless an application was to be made to the Treasury for some of the public funds in support of the movement.

Mr. B. OSBORNE did not know what fee was to be exacted for removing the body of the noble Lord the hon. Member for Bath from the Opposition to the Treasury bench. [*Lord Ashley, for the convenience of discussion, was occupying a seat amongst the Ministers.*] He believed no fee had been paid at present, but he had been told that a high fee was to be paid for removing the body. The right hon. Baronet the Secretary of State for the Home Department had misunderstood the hon. Baronet the Member for Marylebone, for that hon. Baronet had very fairly adduced the cases of St. Pancras and St. Marylebone, two of the largest parishes which could be selected. The noble Lord said, there would be no profit accruing from the proposed arrangement, and he recommended the plan on the ground of its economy. Now, taking 700 acres to the square mile— [An Hon. Member: Only 640 acres]—or taking 640 acres on the average, or taking that amount in round numbers— [*Laughter.*] The noble Lord should not laugh; or, if he laughed, let him confute him in his figures. Now, he calculated that 60*l*. an acre would cost 40,000*l*. for a mile; and allowing six square yards for each grave, and 15*s*. for the interment, the amount realised would be 375,000*l*. He should like to know into whose hands the profit was to go?

Lord ASHLEY said, if there were profits they should be applied to the reduction of the fees. The seven shillings he had already stated would include charges for religious services, digging the grave, and every thing except the conveyance of the bodies. The expenses for religious services very considerably increased the cost of burial. Abney-park had been referred to, but no religious services were ever performed there unless specially required.

Sir De. L. EVANS said, this was a compulsory measure, and it was very desirable that a schedule of the fees should be attached to the Bill. The noble Lord had merely told the House what he hoped would be the minimum charges. That was very vague. The best way to remove the objections to the measure was to prepare a scale of fees. If they were to remain undefined, the measure should be limited to three years or some other particular period.

Mr. Alderman SIDNEY said, the public expected not only the observance of greater decency in the system to be pursued under this measure, but that the interments should be much more economical. This was the gist of the matter, and it should be stated with accuracy. If parishes were to be compelled to pay seven shillings for the interment of every pauper, it would make a great difference in their poor-rates.

Mr. WAKLEY thought it a duty which the Government owed to the House, that the clause should be postponed, and a schedule of fees prepared such as could substantially be adopted. The Committee were proceeding upon insufficient data; they had not the materials to warrant them in coming to a positive conclusion. The statements made relative to the cost of burials in various cemeteries were correct; and he had no doubt the cost was equally low in others. The noble Lord the Member for Bath said, he hoped the cost would not exceed 1*l*. 5*s*. for the burial of an artisan. But the charge in many parishes, at present, was not half that amount. Then the Board of Health might select burial grounds twenty or thirty miles distant. The Committee would be acting most unjustly towards the parishes if the question were not postponed. He should therefore feel it to be his duty to move that the further consideration of the claim be postponed accordingly.

The CHAIRMAN said, that the hon. Member for Reading must withdraw his Amendment before that of the hon. Member for Finsbury could be put.

MR. STANFORD said, that he wished to withdraw his Amendment.

Amendment withdrawn.

MR. ROEBUCK believed that some misapprehension existed with respect to the Bill, and that the effect would be to make burials less expensive than at present, but for different reasons than had been assigned. There were expenses attendant on matters regulated by this Bill, the grave and all the ceremonies of interment. But there were also the expenses of the undertaker. These the community felt to be heavy and expensive, and not the charges for burial ground and cost of services at the grave. By the regulations of the 27th clause, he hoped a much cheaper mode of conducting funerals would be established, and the public expectation be satisfied. The expenditure would be reduced one-half.

SIR B. HALL asked whether, in addition to the 25*s.*, the friends of an artisan must also pay 6*s.* 2*d.* to the clergyman of the parish under the 30th clause?

SIR G. GREY thought his noble Friend had stated very distinctly that the maximum charge of 25*s.* would include every expense attending the ceremony of interment. The 6*s.* 2*d.* would not be in addition to the 25*s.*

MR. AGLIONBY was favourable to the Bill, but thought the Committee had not sufficient data on which to come to a conclusion that should be satisfactory to the public. Statistical information had been procured, from which a schedule of fees might be prepared, to be brought forward at another stage of the Bill. Some estimate of the expense attending the board ought to be furnished.

MR. LACY said, that in the scheme of the Board of Health the estimate of expenditure was 112,000*l.* per annum, an amount which could not be realised under the Bill, judging from anything that appeared on the face of it. It seemed to have been thought prudent to avoid introducing a schedule.

SIR G. GREY saw no advantage in the postponement of the clause, as some schedule must be fixed in the first instance. The first cost would be great—he hoped not greater than was anticipated; and the fees, on which the hon. Member for Middlesex calculated so much, would come in very slowly.

MR. WYLD said, that at present every parishioner had a common-law right to interment in the parish churchyard or burial ground. Applying this to paupers, it would be seen that a very large additional cost would be imposed on the parishes—probably not less than 18,000*l.* for pauper funerals.

MR. B. OSBORNE thought the Committee should know where the Board of Health proposed to purchase land.

LORD ASHLEY said, the board not being yet properly constituted under this Act, could not take any step for the purchase of land. They were not bound to confine their selection to one or two plots of ground. The probability was, that for some months to come they would be obliged to make use of some of the existing cemeteries. As to other spots in the neighbourhood of London, though the board had directed their attention to some, they had not decided on any.

MR. D'EYNCOURT urged the postponement of the Bill until the schedule was prepared.

MR. T. DUNCOMBE wished to ask the noble Lord the Member for Bath if Erith had not been selected as one of the places for metropolitan interments; also, whether steamers were not to be employed to carry the bodies down the river to the place known as "The Happy Land?" He considered the noble Lord's former answers as so uncandid, that he was obliged to ask thus particularly.

LORD ASHLEY said, he should be much obliged to the hon. Gentleman if he would point out anything which had been uncandid in his answers. It was perfectly true that the Board of Health had thought of "The Happy Land," as it was called; the ground at Erith had been the subject of consideration, as well as other places; and an inspection of that and other sites had been directed, but nothing further.

LORD R. GROSVENOR could not understand this extraordinary jealousy of the present Bill and the Board of Health. The great point was to put a stop to intramural burials. With regard to the schedule of fees, who could tell what it would be? He should be glad to see such a schedule annexed to the Act if it would lead to any useful results; but as no one could say what the fees would be, it was necessary to take a very high maximum. The whole question would come before Parliament next year, and then would be the time for the House to call for a schedule of fees.

LORD D. STUART said, the Committee was about to agree to a clause of which they knew nothing at all. They did not even know of whom the Board of Health consisted. The noble Lord the Member for Bath, a man of sanguine temperament, hoped the expense would not be very great; but, like other framers of estimates, it was very probable he might be deceived in his calculations. From the statistics which had been given of Marylebone, it was evident that scheme would be much better carried out by the several parishes; otherwise one would be paying for the expenses of another, and great discontent would be the result. That was a very good reason why the clause should be postponed. He hoped his hon. Friend the Member for Finsbury would persevere in his Motion.

LORD J. RUSSELL said, that his noble Friend's speech divided itself into two parts. In the first he stated that it was impossible to give a correct estimate; and in the second he said that the Government were bound to give a very accurate estimate of the cost of burials. With regard to the Motion of the hon. Member for Finsbury, it meant that they were to remain content with the present system. ["No, no!"] If that were not the meaning of it, then there was no reason for postponing the clause. If they were to continue the practice which was so shocking to their feelings, of casting only a small covering of earth over the dead body, no doubt a very small fee might be sufficient. But if they determined on putting an end to that practice, and that the burials should take place at a distance from the metropolis, there must be some means of paying the expenses of the interments. The Board of Health could in some respects cause a diminution of the expenses of interments, but still there was a large expense to be incurred in the purchase of ground, and there was the cost of the funeral service. These expenses must be provided for in some way or other. One way was, by voting a large amount of the public money. No person proposed such a scheme. Another way was, by levying a rate on the different parishes of the metropolis. No one advocated that plan. The only remaining mode, therefore, was, by a system of fees; and then the question arose, what the amount of these fees was to be. He did not think that the Board of Health, or any other body, could determine, previous to experience, what the amount of fees should be; nor did he think that by postponing the clause for three or four days they would be able to obtain sufficient information on that point. That being the case, he thought it better that a discretion as to the amount of fees should be vested in the Board of Health; and as they were not to be a private company, which had to make a profit on burials, but a great public board, he considered such discretion might be safely left in their hands. If they found that the fees they fixed on in the first instance were too high, and left a surplus, they would of course reduce the fees. But as a further security he intended to propose to insert words by which the fees to be fixed were to receive the approbation of one of Her Majesty's Secretaries of State. He would have to give his approbation to the scale of fees, and they might be at any time moved for in Parliament. All that would be asked for was as much as would be sufficient to pay the interest on the sum required for the purchase of the ground in the first place, and to pay for the funeral service in the next place. Of course there must be a larger fee demanded for a choice of spots, and the board would have to take that circumstance into their consideration. He hoped the Committee would assent to the clause with the addition he proposed.

MR. ROEBUCK thought that the question of fees could not be left in better hands than those proposed by the noble Lord.

COLONEL THOMPSON asked whether the solution of the difficulty was not in the fact, that there was a subsequent clause, 69, which provided that an annual report and abstract of the accounts should be laid before Parliament?

MR. T. DUNCOMBE said, that the Bill required a table of the fees to be publicly exhibited, so that there would be no necessity for waiting till a report was made to Parliament.

MR. SADLEIR said, that he would resist the Amendment, the practical effect of which would be to postpone the operation of the Bill, to the principle of which he was favourable, for twelve months. But it had been estimated that 112,000*l.* would be required. If that were so, taking this clause in connexion with the 53rd, it was probable that they should have recourse to the rate in addition to the fees. He did not agree with the right hon. Gentleman the Home Secretary that larger fees would be necessary because the interment was to take place at a greater distance. The distance might increase the funeral expenses, but it had nothing to do with the fees. Indeed he should have thought that the fees would be somewhat less for extramural interments.

Lord J. RUSSELL proposed the addition of the words, "with the approbation of one of Her Majesty's Principal Secretaries of State."

Mr. D'EYNCOURT moved the addition of these words:—

"Provided always that such fees or sums shall not exceed the several fees or sums specified in Schedule E. to this Act annexed."

Mr. WAKLEY supported the Amendment, and begged of the noble Lord to adopt it.

Lord J. RUSSELL said, it seemed to him impossible to lay down any fixed rule of fees, seeing that there must necessarily be a great diversity of charges.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 64; Noes 171: Majority 107.

Sir B. HALL inquired of whom the board was to be composed; the salaries, if any, to be paid; the officers; and what the expenses of the board were likely to be?

Sir G. GREY replied, that the board would consist of Lords Seymour and Ashley as unpaid commissioners, with Mr. Chadwick as paid commissioner. It was also contemplated to add a second paid commissioner.

Clause agreed to, as also were Clauses 21 and 22.

Clause 23.

Lord D. STUART wished for some explanations as to the wording of the clause.

Mr. BRIGHT said, that as regarded the present clause, they were in danger in running in the opposite extreme, that of economy. At present houses clustered round all the graveyards; but by the present clause all graves should be made 200 yards distant from any house. The result would be, that, taking 200 yards on every side from the grave, they would be compelled to purchase twice as much land as they otherwise would. In his opinion, 50 yards' distance between a grave and a house would be quite sufficient for all sanitary regulations, certainly 100 yards would be quite ample for all purposes of health; and therefore if some alteration were not made in the clause, he would move an Amendment to that effect.

Lord ASHLEY observed, that they had been called to account by several scientific gentlemen for limiting the belt of ground to 200 yards, inasmuch as the gases arising from decomposition were most injurious, and also the quality of the water in the various localities should be preserved from contamination. In his opinion 200 yards were the very minimum that could be named.

Sir G. GREY said, that 200 yards had been provided for by the Cemetery Act.

Mr. BRIGHT did not see why 200 yards should be imported into this Bill because it was in the Cemetery Act. He hoped the clause would be allowed to stand over for the present, in order that the proper parties might be consulted on the subject, and then, if the 200 yards should be considered necessary, of course he should withdraw his opposition to the clause. He warned the Government against implicitly taking and relying upon the opinion of scientific men, inasmuch as that class of persons would very probably involve the metropolis in immense expense.

Clause agreed to.

House resumed.

Committee report progress; to sit again To-morrow.

POPULATION—NATIONAL CENSUS.

Mr. G. C. LEWIS moved for leave to bring in a Bill for taking an account of the population of Great Britain. It had been for some time the practice to take a census of the population at periods of ten years. The census of Great Britain was taken in 1801, and of Great Britain and Ireland in 1811, and at decennial periods up to 1841. Previous to 1841 the population was counted by means of the parish overseers; but in that year the office of registrar-general was substituted, for the purpose of obtaining an accurate account of the population. It was proposed in the year 1851, to use the same machinery as was used in taking the census of 1841. The only difference would be in the superintendence under which it would be now taken. It would be taken under the control of the Secretary of State, by efficient persons most fitted to obtain the necessary information. For the last census, three commissioners were appointed—the registrar-general and two others; but it was hoped that a better arrangement would be now made. The expenses of the last census at the central offices were 29,000*l.*; the expense of the enumeration for England was 58,000*l.*; and for Scotland, 19,000*l.*; and the entire expense rather exceeded 100,000*l.* The expense of those two processes was in 1841 divided between the national exchequer and the local funds. The parishes paid the portion of the expense that consisted of the cost of enumeration, and the Treasury paid the expense of the central office. The parishes therefore paid over 70,000*l.* out of a sum of over 100,000*l.* By the present Bill he proposed that the sum now paid by the parishes should be repaid by a grant of money from Parliament. So the whole expense of this census would fall on the national exchequer, and no part of it would be taken out of the local funds. This Bill would apply to England and Scotland, and there would be another Bill for Ireland.

Mr. STANFORD asked whether it was in contemplation to distinguish the different trades and employments?

Mr. G. C. LEWIS said, it was proposed to obtain the same particulars as were obtained by the last census.

Lord GALWAY asked on what day would the census be taken in 1851?

Mr. G. C. LEWIS replied, on the 9th of June, as before.

Lord GALWAY said, that as a very great number of foreigners would probably be in London at that time, care must be taken not to include them in the census.

Leave given.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, June 7, 1850.

Minutes.] Public Bills.—1ª Municipal Corporations (Ireland).
2ª Railway Audit Bill (No. 2).
3ª Naval Prize Balance; Administration of Criminal Justice Improvement.

MILITARY PENSIONS.

The Duke of RICHMOND presented a petition from certain outdoor pensioners of Chelsea Hospital, complaining of a clause in the Act 9 and 10 Vict., passed in the year 1847, which prevented them, although they were worn out in the service, from receiving money due to them. The noble Duke said that he understood those deserving poor men were mistaken as to their claims.

Earl GREY thanked the noble Duke for giving him an opportunity of stating the facts of the case; for it was of the greatest importance, not only that the veterans of our Army should be properly rewarded by this great country, but that they should understand that they were treated with the greatest liberality. By an Act of George II., the out-pensioners formerly paid a poundage of 5 per cent for the payment of their pensions in advance. The present Secretary at War thought that such poundage bore very hardly upon them, and, by his advice, the Treasury brought in a Bill, which was passed in the year 1847, by which the payment of poundage was discontinued. A clause was introduced into the Bill to prevent its action being retrospective, and that was the clause of which the petitioners complained. The fact was that a great boon had been conferred upon the pensioners, by the abolition of the poundage from the date of the passing of the Act, and no less a sum than 50,000*l.* per annum had been thereby secured to them. Some persons, however, had led them to believe that they had a right to get back the poundage paid previously to the passing of the Act, and it was for those arrears they were seeking. It should be understood that no claim for arrears could be sustained, the Act of 1847 not being retrospective in its operation.

THE CUBAN EXPEDITION.

Lord BROUGHAM said, that he had to put a question to the noble Marquess opposite upon a matter of very grave importance. Reports of an alarming nature had been circulated within the last few days—reports which he hoped might prove groundless—that an expedition, consisting of some 6,000 or 8,000 men, had sailed from the shores of the United States of America for the purpose of taking possession—forcible and armed possession—of the greatest of the West India Islands—the ancient Spanish colony of Cuba. He had no accounts of this expedition further than those which had appeared in the public prints, and they stated that it had actually said from New Orleans—

The Marquess of LANSDOWNE: And landed in Cuba.

Lord BROUGHAM: It had not only sailed, but actually landed in Cuba. Now, he had no idea whatsoever that such a proceeding would be assented to for a moment by the President or Government of the United States. Indeed, he believed that so far were they from consenting, that they had taken steps to prevent the sailing of this very armament upon a former occasion. But he understood now, and to his great sorrow, that these pirates had not only succeeded in getting away from the shores of America, but that they had actually escaped the Spanish fleet. That those execrable pirates, going piratically by sea to Cuba for purposes of invasion and robbery, as they had gone before to Mexico by land, had escaped from the Spanish fleet. He deeply regretted that they should have so escaped. But he hoped that they would yet meet with the condign punishment in Cuba which they so richly deserved. He trusted that his noble Friend would be able to give the House some information upon the subject, and to say whether any communication had passed between the American Government and our Minister at Washington, or the American Minister and our Government at home, with regard to it? And whether the Government of the United States, which was a respectable Government, and maintained, he believed, relations of peace and amity with foreign friendly nations, was endowed with sufficient strength and power to prevent its own subjects from fitting out and arming large expeditions for the avowed purpose of the invasion of unoffending peaceful foreign States?

The Marquess of LANSDOWNE: My Lords, I have only to say in answer to the question put by the noble Lord that I do not know that I can give him any further information than he possesses already upon the subject from the public prints, and which, I fear, is true—namely, that this piratical expedition — piratical in every sense of the word—was fitted out in America for the invasion of Cuba; but that it was fitted out, not only without the cognisance, but with the most entire disapprobation, and under the serious discouragement of the United States Government. If Her Majesty's Government had not fully believed, from the communications which it had received from the American Government, that such was the case, it would speedily have made known its sentiments upon the subject in that quarter. We have heard from Washington that the object of the Government was to check this monstrous, unholy, and unjust piratical expedition; but information has since been received at New Orleans that it had landed at Cardenas, which town was then in its possession.

Lord BROUGHAM: My Lords, I am, I confess, disappointed. I should have hoped that something more than mere disapprobation would be expressed by the United States Government when speaking of the conduct of those detestable pirates; for, as my noble Friend has said, and I was glad to hear him use the designation, this expedition is piracy, and piracy of the very worst description. For ordinary piracy is confined to robbery and plunder upon a comparatively small scale; but this is carrying fire and sword with all the horrors of open war, for purposes of spoliation, into a peaceable country in alliance with America and with this country; or at all events, if not in actual alliance, certainly in peaceful relations of amicable intercourse.

The Marquess of LANSDOWNE: I believe I was understood to say, that the United States Government had not only looked upon this expedition with disapprobation, but that they had also taken steps to prevent its setting out, and had ordered their naval forces to intercept and break it up if possible.

Lord BROUGHAM said, that the addition now made by the noble Lord was more satisfactory. But he really could not understand how 6,000 or 8,000 men could be armed, trained, and sent off from a country without the knowledge of the Government.

The Earl of ABERDEEN: I have not the least doubt of the sincerity of the United States Government in expressing their disapprobation of the expedition against Cuba. But this, I must say, is a rather peculiar circumstance. It is supposed that we have a desire for the possession of this place. We ourselves have been strongly suspected of having some designs upon this island of Cuba; and I recollect myself having made a proposal 20 years ago (when they thought fit to suspect us of having unlawful designs upon the island), which I regret the United States did not assent to. It was the only thing which I think they could have done more than they now have to secure the independence of Cuba. The proposal was that the United

States and France should join with England to guarantee the possession of the island to Spain. The United States, however, did not think fit at the time to join with us in that guarantee. I hope that the forces in the island will be found sufficient, as I believe they will be, to give a good account of those buccaneers who have taken part in this expedition.

LORD BROUGHAM: As a lawyer I challenge contradiction to this proposition—That all civilised nations are bound to give help against pirates, who are the enemies of all men, wherever those pirates may be found; and that the commander of any British cruiser on the coast at the time would be guilty of neglect, and would be neglecting his duty, if he did not give his aid to the Spaniards against those pirates. This, I contend, is the law of nations.

LORD STANLEY: The proposition of my noble Friend touches the question which I was just about to put to the noble Marquess, and which was this. Can he give us no information as to the course about to be pursued by our Government with regard to this expedition? And, as it was known for some time that it was intended to send out such an expedition, what instructions have been given to our naval commander upon the West India station with regard to the proceedings he should adopt respecting it?

The MARQUESS of LANSDOWNE: I can distinctly state to the noble Lord that the matter has more than once formed the subject of communication between our Minister and the American Government; and I have, further, the satisfaction of assuring him that the American Government takes the same view of the matter that we do.

LORD STANLEY: The noble Marquess does not seem to have heard my question. I did not ask what the American Government had done, but what Her Majesty's Government have done. I asked whether any, and if any, what, instructions had been sent out to our Admiral commanding on the station in relation to this expedition?

The MARQUESS of LANSDOWNE: I am certainly not prepared to answer a question of that kind without notice having first been given of it.

LORD STANLEY: The noble Marquess, I am sure, will do me the justice to believe that I knew no more of this question coming forward than he did; but as the subject is brought forward, and as I imagine that the occupation of Cuba is not a subject that will be viewed with indifference by Her Majesty's Government, I should think that some instructions have been sent out to our Admiral on the station; and this House has a right to know whether that be so.

The MARQUESS of LANSDOWNE: All I think it necessary to say is this—that the subject has engaged the attention of Her Majesty's Government.

LORD STANLEY: Have any instructions at all been sent out?

EARL GREY: My Lords, it is contrary to all practice—contrary to the duties of Her Majesty's Government—to answer such a question. For my own part, I have to say decidedly, that I think it would be a breach of our duty if we were, in the present state of affairs, to give a direct answer to the questions which the noble Lord has put, and I feel rather surprised that the noble Lord, with his official experience, should persist in repeating it.

LORD STANLEY: The noble Earl thinks that it is the duty of Her Majesty's Government to refuse to give any information; but I say that it is the right and the duty of this House to ascertain whether the Government have performed their duty by taking any steps in a matter which deeply concerns the honour and the interests of this country. I say, for myself, that I have a right to ask—I have a right to have an answer—not as to the precise instructions that have been sent out, but whether Her Majesty's Government have thought this matter worth their attention, and whether any instructions have been sent out.

[Lord BEAUMONT here arose, but was interrupted by Lord STANLEY; Lord BEAUMONT, however, persisted in his attempt to speak; on which—]

LORD STANLEY said: My Lords, I put a question to Her Majesty's Government—it is for them to give an answer or not; but let them say whether they will give or withhold the information?

The MARQUESS of LANSDOWNE: The noble Lord must not consider himself the sole arbiter of the will of the House, or the sole depository of its dignity. Does the noble Lord mean to say that no other Peer is entitled to speak but himself? The noble Lord behind (Lord Beaumont) has a right not only to make such observations as he may choose, but also to ask a question as well as the noble Lord. He did not deny the right of the noble Lord to put this question; but he must, on the other hand, allow him to exercise his discretion as to answering it or not.

LORD BEAUMONT: I must say that I am surprised at the tone adopted by the noble Lord opposite, not merely in his recent attempt to prevent me from making remarks as he has done on the duty of the Government, but also at his pressing his question upon Her Majesty's Government after the answer he has already received to the question which was originally put. My noble Friend made answer that the subject was under the consideration of the Government, and I maintain that, in the present position of affairs, any other answer than that would be indiscreet; and I rose, therefore, to urge upon my noble Friend not to allow any other answer to be given, because, with that answer, I maintain it is the duty of the House to be content in the present position of affairs.

LORD BROUGHAM: I am not aware that there was any necessity for the rebuke which the noble Lord opposite has just administered to my noble Friend near me; and I am sorry to see that he suffers so much under it; and further, I am not aware that the duty of this House is anything like the duty which my noble Friend opposite seems to think it is—the duty of stopping our inquiries or discussions because we are bound to rest satisfied with the answer of the Government. I, for one, am perfectly satisfied with it, because all the answer that has been given by those Members of the Government who are in the secret is, that there is no secret at all; in short, I think all that the Government has said amounts only to a roundabout and verbose manner of saying a very simple thing—that they know absolutely nothing whatever on the subject. But it is a subject on which they need have much delicacy. The law with respect to it is as plain as A B C—the expedition is a piratical expedition, and the men composing it are to be treated as pirates. That there are 8,000 of them does not make them less pirates than if there were two—rather, that there are 8,000 of them, only renders them more dangerous. We are all agreed as to the treatment of pirates—just as it is the duty of every person to seize a murderer, so it is the duty of every State to act against pirates. It was upon that assumption that the House approved of the conduct of Sir James Brooke in the Indian seas, where there were many hundreds of pirates, but their numbers did not make them the less pirates.

The EARL of ABERDEEN: There is one consideration which makes the question of my noble Friend perfectly natural in present circumstances. It will be in your Lordships' recollection, that during the whole preparation of this expedition we have been on no very friendly relations with the Spanish Government; and, therefore, it is very natural for him to inquire whether, not with regard to the affairs of Spain, but a regard to British interests, has led Her Majesty's Government so far as to take the proper steps to co-operate against this piratical expedition. If it could be supposed that our alienation and estrangement from the Spanish Government had rendered Her Majesty's Government lukewarm in exercising a duty of this sort, then a very grave responsibility will attach to Her Majesty's Government in consequence.

EARL GREY: I do not understand the noble and learned Lord representing this as a delicate question on this side of the House. Those who heard the observations of my noble Friend the President of the Council heard him condemn the proceedings of the expedition as strongly as did the noble and learned Lord himself; and he went further, and informed your Lordships that the expedition was equally condemned by the American Government. The expedition is undoubtedly of a piratical nature; but there is some difference between expecting Her Majesty's Government to state that they have had their attention called to the subject, and that they are watching the state of affairs in the West Indies—there is a difference between that, and at once answering the question whether any and what particular instructions have been given by Her Majesty's Government to the naval commander-in-chief as to his duty in respect of what was going on. Your Lordships must be perfectly aware that to answer this question at the present moment would obviously be attended with extreme inconvenience. It is not fitting, till accounts shall have been received from the West Indies, that Her Majesty's Government should give any information as to the instructions given to the naval commander on that station with respect to his interference or non-interference in the matter. There can be no doubt as to our right to check piracy, but it is a different question as to the manner in which we are to exercise that right.

Subject dropped.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 7, 1850.

MINUTES.] PUBLIC BILLS. — 1ª Drainage and Improvement of Land Advances; Trustees.
Reported.—Judges of Assize.

The House met at Twelve of the clock in the New House of Commons.

DRAINAGE AND IMPROVEMENT OF LAND ADVANCES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. TRELAWNY moved as an Amendment that they should go into Committee that day six months. He looked upon the Bill as but the re-enactment of protection in a different shape, and he would oppose any attempt to tax the body of the people for the benefit of any particular class. It was not discreet, wise, or even honest, to dispose of the money of the nation to the landowners; and if the measure was intended to give them compensation for any loss they had sustained by free trade, the gain would be contemptible, while the principle would be utterly objectionable. Besides, it was an unnecessary increase of the functions of Government. They would soon have all trades, businesses, and manufactures thrown on the hands of Government, and calling for assistance. The money already advanced had not been repaid, and for all these reasons he would give the Bill his most strenuous opposition.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

COLONEL THOMPSON was not disposed to press hard on the object of the Motion; but he would second the Motion, in order to bring out some explanation on the principle of the Bill.

The CHANCELLOR OF THE EXCHEQUER said, he was afraid his hon. and gallant Friend who seconded the Motion had not been quite so attentive to his Parliamentary duties as he usually was, or he would have understood what was the object of this Bill. It was no new purpose, it was a purpose which had been sanctioned more than once by the House, and which he thought most desirable in the present state of things. He thought it exceedingly desirable, in order to facilitate the change from one state of things to another. He was sorry that he could not go on with the Bill before, but other business had interfered. He hoped the hon. Gentleman would not divide the House on this occasion.

MR. SLANEY was personally aware of the benefits which arose from the system which this Bill proposed to enforce. He considered that the Government might extend the machinery of the Bill, and thereby permit the landed interest to borrow money upon landed security. He could bear testimony to the utility and advantage which resulted from parties being enabled to obtain advances to set persons at work in their particular districts in drainage operations; and as that was the object of the present measure, it had his hearty support. There was one suggestion, however, which he wished to throw out to the Government. It happened that parties were earnestly desirous to borrow money for the sake of permanent improvements, and that other parties in the same neighbourhood were anxious to advance that money; and he thought that the Government might, under such circumstances, enable the one party to borrow, and the other to lend, by means of similar machinery to that contained in this Bill. At present, great trouble and expense were occasioned by the investigation which had to be made into the title of the borrowing party. He called upon the House to relieve the borrower from the useless perplexity of the law. There were innumerable parties ready to advance money; but the man who wanted it for the improvement of his estate and the employment of his labourers was precluded from borrowing by the absurd intricacies of the law, and he, therefore, called upon the Government to take the matter up.

SIR J. TROLLOPE said, in answer to the hon. Member for Tavistock, he was not aware that a single one of his hon. Friends around him had made any representation to Government on this subject, and he must say, for himself, that there were great objections to the principle of this Bill. Government was to advance money to landlords, constituting them debtors to the State, and giving Government, probably, a great influence over them. There were also many objections to the details of the Bill, which he would state when the House went into Committee. The hon. Member for Tavistock reproached landlords for coming to Government for advances on their estates. If he referred to the last loan of two millions, he found that the English landlords gave small encouragement to it, inasmuch as they got but a very small portion of it. Scotchmen had a different view, for he found that four-fifths of it was advanced in that kingdom. The landlords of England had made their improvements at their own cost, and if the tenantry of England were encouraged by a fair tenant-right, the greater part of this work would be undertaken by them; but he denied on the part of the landlords of England that they were petitioners for the bounty of Government.

MR. HUME said, he was opposed to all Bills of this nature, believing, as he did, that all landowners who had good security to offer would find no difficulty in obtaining money; but he had been told that in many parts of the united kingdom difficulties of that nature did exist, and he therefore could not object to the measure now. Besides, the House had already adopted the principle, and he did not think any hon. Member, after that approval, could resist the Motion for going into Committee. Still, though he did not now feel himself called upon to oppose the principle, he was bound to state that there were details in the measure which he never could agree to. For instance, it would appear that some of this money might be expended on farm buildings, or provisions, which he thought ought not to be agreed to, and, therefore, when the House got into Committee, he should endeavour to get it expunged from the Bill.

MR. ROCHE wished it not to go to the country that the landed interest was the only interest that had loans. They had been granted for railroads and for other purposes.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 73; Noes 4: Majority 69.

Main Question put, and agreed to.

House in Committee; Mr. Bernal in the chair.

Clause 1.

MR. F. MACKENZIE wished to know what arrangements were to be made as to the proportion of the money under this Bill to which Scotland would be entitled? He hoped that the present grant would be made on the same unfettered principle as the last one.

The CHANCELLOR OF THE EXCHEQUER was very glad the hon. Gentleman had raised this point, because he could assure him that he did not at all wish to take from England its fair proportion. He wished to do justice to the enterprise of the Scotch proprietors, but at the same time there was a great object to be attained. It was very desirable to extend the drainage of land throughout the country, and over as wide a surface as possible. Of the last 2,000,000*l.* the Scotch proprietors had rather more than 1,600,000*l.* The money was all appropriated on the principle simply of priority of application. The sum allotted to England was 373,000*l.*, and the six northern counties got 191,000*l.*, the whole of the rest of England and Wales having only 182,000*l.* He thought that reward should be given to superior energy and sharpness, but then the great object of obtaining the benefit of drainage throughout the length and breadth of the land was not attained. Without any invidious distinction, he thought it desirable to extend the benefit of this loan to every portion of the kingdom. He proposed that applications should be sent in to a given day; he would apportion the money to different counties, and then he would give the preference to priority of application in each of those counties; and then if any was left it would be advanced to parties either in Scotland, or elsewhere, who made application.

MR. DRUMMOND contended, that as Scotland required draining to a greater extent than England, the proposed preference to be given to English counties in the application of the fund was inexpedient and objectionable. He hoped that some facilities would be given to small owners for the drainage of their lands, an arrangement which would be of great advantage to the labouring population, as well as to the smaller proprietary classes.

LORD H. VANE said, it was expedient that some measure of this kind should be passed in the present Session, because there was great distress amongst the small proprietors, and it was most desirable to afford them the means of carrying on improvements. He differed from the hon. Member for West Surrey with respect to the land improvements which were going on in the country. His conviction was that there were greater exertions than ever made to meet the difficulties of the times. He much doubted the policy of making the grant available for farm buildings, because the amount allowed would not be sufficient for even drainage purposes. The case of Ireland, however, might form an exception. On that he would give no opinion. He also thought it a prudent restriction to limit the amount which could be received by any one applicant to 5,000*l.*

The CHANCELLOR OF THE EXCHEQUER hoped that hon. Gentlemen would not discuss the principle of the Bill, but would confine themselves to the clause before the House.

MR. K. SEYMER said, that he had applied for a sum of 1,000*l.*, which he expended upon a farm, and after doing so he advertised to let the land, but only one person offered to take it. The farm was now on his hands. Perhaps this fact would cool the ardour of his Scotch friends in making applications.

MR. ELLIS did not think there could be a better way of applying the public money than to lend it on good security for the purpose of improving and increasing the produce of land. It was much better to have two millions spent for such a purpose than that it should go to California or to South America.

SIR H. W. BARRON supported the Bill. Unless measures of assistance were rendered to Ireland, the country would sink deeper and deeper into a state of distress and wretchedness. He was bound to tell the House that, although he had borrowed money under the Irish Act, which he had expended in improvements on his farms, the farms themselves had been thrown upon his hands. The former holders, who had rented them at moderate rates, would not pay the increased rent which the drainage had rendered necessary, and the consequence was the land had been unoccupied for the last nine months. The fact was, farming had become unprofitable, and, unless something were immediately done to arrest the progress of destruction that was now going on, he could not answer for the consequences in Ireland. Never had so much distress been felt amongst the agricultural labourers of that country—it was impossible for them to find work anywhere; and, however useful Bills of this nature might be in a limited sphere, it was hopeless to expect general prosperity or contentment amongst the agricultural interests of the united kingdom till some extensive measure were passed for their especial relief. Without some measure of relief, the landlords in Ireland were in such a condition as not to be able to give employment to the mass of poor people in that country. He would support the clause.

MR. TRELAWNY hoped that nothing would be done, and that no further discussion would take place calculated to foment jealousies between the countries which formed the united kingdom.

Clause 1 agreed to; as were

Clauses 2 and 3.

Clause 4.

The CHANCELLOR OF THE EXCHEQUER said, that this was the clause on which perhaps the principal discussion would arise; and so far from wishing to deprecate that discussion, he was anxious that the clause should be fully discussed. Hon. Gentlemen were aware that up to the present time advances had been made for the purposes of draining only; but really all that the Government had to do was to see that there was adequate security for the money advanced. In bringing this clause under the notice of the Committee, he was bound to say that they must not only look for adequate security, but they were at the same time bound to look to the interest of other parties not now in possession of landed estates; they were bound to do justice to those who were to come after tenants for life. The most difficult case with which they had to deal would be that of the tenant for life; and he was quite ready to say that persons interested in a property where there was an estate for life ought not to be charged for improvements from which they might possibly derive no advantage whatever. Against such unfairness he trusted that the Bill would sufficiently provide. As to the probable rate of advantage, he might speak of that as being 6½ per cent; thus, if a man having land which yielded him 100*l.* per annum borrowed 100*l.* for the purpose of draining it, then his income would at least be augmented to the extent of 106*l.* 10*s.*, and thus there would be ample security for money laid out, provided the Government had a certificate, as he intended they should have, that the contemplated improvements on the land would be likely to yield a return of 6½ per cent. So much for the general features of the Bill. With respect to the particular clause before the Committee, he admitted that it was open to considerable objection. He believed that in many cases it would be found advantageous to consolidate the small farms, and to have larger buildings on the farms so consolidated. But who was to decide upon that? and were the country Gentlemen prepared to say that they would submit to the interference of a Government inspector in carrying out this clause? For himself, as an owner of land, he would do no such thing. If farm buildings were erected under this clause, it would be necessary that precaution should be taken for keeping them in repair, and also for insurance; for it would be very hard upon the remainderman if he were to be saddled with an annuity when the buildings had been allowed to be dilapidated, or when they had been burnt down. Means must, therefore, be taken to compel the tenant for life to keep the buildings in repair, and to insure them; but would it not be necessary for the inspector under the Act to see to this? This difficulty in regard to the necessary interference constituted in his mind a great objection to the clause, although it might perhaps be got over. It was clear that the interests of the remainderman could not be protected without some power of interference and supervision, however unwilling he was to institute it. He had inserted the clause in deference to the opinions expressed by many hon. Members, and he now left the matter to be discussed by the House.

SIR J. TROLLOPE would move that the whole of the clause be expunged from the Bill; and this, notwithstanding the advantages which followed the warping of land. In some parts of Lincolnshire and Yorkshire, the waters from the rivers being suffered to cover the land, an alluvial deposit was left when the water was drawn off, which enabled the farmers to grow wheat and potatoes in alternate years upon land that, before it was thus enriched by warping, was of very little value. This practice had been so extensively adopted on the banks of the Trent and the Ouse, that the potatoes supplied to the London market were almost exclusively grown in that part of the country. The warping of land being so beneficial might safely be left to private enterprise; and with regard to any portion of the loan being devoted to farm buildings, the objections were so numerous that he would not enter upon them. The hon. Member for West Surrey was favourable to small farms; but his successor might wish to consolidate them into larger holdings, and then what would become of these farm buildings? The country would be covered by inspectors to see if the buildings were kept in repair; and the objections urged by the Chancellor of the Exchequer were so valid, that he hoped to see the right hon. Gentleman voting for his (Sir J. Trollope's) Amendment, and against his own clause.

The CHANCELLOR OF THE EXCHEQUER would agree to expunge from the clause all reference to "warping," and "farm buildings" would then stand alone.

MR. F. FRENCH could not agree to leave out the word "warping" in the 4th clause, although the clause referred only to Great Britain; because, if it were struck out from this clause, he had but a small chance of seeing it retained in the 8th clause, which referred to Ireland. The process of warping was not confined to Lincolnshire and Yorkshire; it had been most advantageously introduced into Ireland. Some streams had been retained, and diverted upon land of small value, where they had left a rich alluvial deposit of two feet deep. It would be desirable, he thought, to retain the word "warping" in the clause, because it might be the means of introducing the practice in many quarters where it was at present unknown.

The words relating to warping were then struck out of the clause.

MR. DRUMMOND thought it would be far better to expunge the whole of the clause.

SIR H. VERNEY was in favour of retaining the clause, now that it applied solely to farm buildings. Who certified that the drainage was kept in an efficient state, and why not object to the inspection of drainage? The inspector would certify the necessity for new farm buildings, and he would see that the works were properly executed.

MR. W. MILES thought that the difficulty arose from the Chancellor of the Exchequer having deviated from what he himself believed to be the proper course. The advances for drainage had been found so beneficial, that Government ought to have objected to any portion of the loan being appropriated to any other purpose. The process of warping was found to be advantageous in the part of the country alluded to by his hon. Friend the Member for South Lincolnshire, because the waters of the Humber and the Ouse left behind them a peculiarly rich deposit; but he knew of no other part of the country where the same advantages had been obtained by this practice; and if it were supposed that by constructing sluices and canals for warping elsewhere on the same plan, the same benefits would be obtained, people might be greatly mistaken. He thought that the objections made by the Chancellor of the Exchequer to the present clause were unanswerable.

SIR G. STRICKLAND said, that the money to be appropriated under this Act was a limited sum, and the question was, how to make the best use of it. Now, if the House determined to employ it in erecting farm buildings all over the country, they would so far limit the outlay for drainage that they would do no good with it. It would be much better for the Government to lay out a sum for arterial drainage, and leave the proprietors of land to drain into it. It was not a becoming thing to see the landed gentry of England coming before that House *in formâ pauperis* to borrow a little money wherewith to erect farm buildings upon their estates. They were not so hard pressed as to be unable to raise this money for themselves.

CAPTAIN PELHAM approved of the omission of warping; but the question for the Committee was, whether the proposed arrangements could be practically carried out. Before advances were made for farm buildings, plans of the contemplated erections ought to be submitted to Government, and the expense ought to be strictly limited in each case. He hoped the Committee would not consent to expunge farm buildings from the clause. The operation of the Act would be somewhat complicated where reversionary interests existed; but means might be found to protect those.

MR. RICE said, the money could not be devoted to repairs of existing farm buildings. It must be expended in the erection of new buildings, and these would be constructed under efficient inspection.

MR. BUCK said, no assistance like that proposed by the present Bill would effectually remove all the difficulties under which the farmers of this country now laboured. Mere buildings alone would not extricate the farmers from the position in which they had been placed by recent legislation. There were many instances in which neither the application of capital, skill, nor labour could enable the agriculturist to meet the present fall in prices. He thought, however, it would be better to confine the object of the Bill to drainage alone.

MR. SLANEY said, that facility ought to be given for small proprietors to get a portion of these advances. Many of them did not know how the application was to be made; it would be better that it should be done through some county officer. As to farm buildings, a custom had prevailed in the north of England and Wales of building them very much together in small villages. The increased liability to fire had shown the impolicy of this plan; and many farmers were anxious {to have their buildings on the middle of the farm, which these advances might enable them to do. At present, a person having only a life interest could not possibly spend anything on improvements; and he trusted the case of those parties would be considered. The cost of conveyance of landed property ought to be reduced, for its burden was greater than that of the local taxes.

MR. MOODY was of opinion that it would be improper to give the power of charging property with the erection of new buildings. He thought, generally speaking, it would be found that the erection of buildings would follow the improvement of the land.

MR. DEEDES thought all interests might be sufficiently protected if care were taken that good and substantial buildings were erected; for in that case they would last long enough to be of benefit to the reversioner. But, seeing the feeling of the House, he thought the Chancellor of the Exchequer should consent to withdraw the clause; and perhaps on a future occasion he might be able to urge the matter with greater force.

MR. C. BRUCE believed that great advantage would arise to the extensive new farms which had been brought into existence under the late Act if they were allowed to apply to the erection of buildings on those farms part of the money advanced by Government. As he believed that advances would be made in future years, he hoped that this point would then be taken into serious consideration; but in the meantime he would not insist upon the clause being retained.

The CHANCELLOR OF THE EXCHEQUER had inserted the clause in the Bill for the purpose of eliciting the opinion of the House; but his own opinion coincided with that of the majority of Members who had spoken, that it would be better to expunge the clause altogether. He would therefore vote for the omission of the clause.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 45; Noes 107: Majority 62.

Clauses 5, 6, and 7, were then agreed to.

Clause 8.

The CHANCELLOR OF THE EXCHEQUER said, this was a similar clause to the one that had just been struck out, only that its operations were applicable to Ireland, and, as before, he would hear the opinion of Members before he came to a decision on the clause. It might be that the same objections did not apply to the case of Ireland as to that of the other parts of the empire.

MR. ROCHE, seeing that the House was inclined to assent to the clause, would move that in addition to "farm buildings," there should be inserted the words, "including buildings for the steeping, drying, and cleansing of flax, and also such machinery and apparatus for the abovementioned purposes as may come under the denomination of fixtures." In the present unfortunate state of the people of Ireland, he looked upon the proposal he had now to make as one of very great importance. Viewing the subject entirely as one of labour, he found that in Ireland the expense of cultivating an acre of corn was 2*l.* 1*s.* 6*d.*, and an acre of flax, 4*l.* 13*s.* The quantity of flax imported from abroad amounted to what would be grown on 400,000 acres of land, so that if it was cultivated in Ireland there would be expended upon it in labour, a sum of 1,860,000*l.*, while for the same number of acres of corn the expenditure would be only 830,000*l.*, making upwards of one million in favour of flax. When they had the prospect of such results as those from the encouragement of the growth of flax in Ireland, he thought he was warranted in bringing the matter before the House. At the present rate of wages in Ireland, this would support 125,000 heads of families, or, at the average rate now expended in support of paupers in one Irish workhouse, it would feed 500,000 souls. He was confident that if due encouragement was given by Parliament, Ireland would become a large exporter of flax; and if there could be no doubt of the benefits which would flow to Ireland, as little could there be that an increased growth of flax would be of the greatest importance to England. The prospects of Manchester, as regarded the price of cotton were at present very gloomy; but here was a better article to be had at a cheaper rate, the produce of native industry, and for the supply of which they had no reason to depend upon foreigners. If, as he had shown, it was important to extend the cultivation of flax in Ireland to any great extent, it would be necessary altogether to separate the two processes of cultivation and preparation, leaving the former to the farmer, and confining the latter to a class called factors. It would be necessary to bring into operation the new system of steeping and scutching at present in vogue in some parts of Ireland, and it was to facilitate the erection of these concerns on Irish estates that he now proposed this addition to the clause.

The CHANCELLOR OF THE EXCHEQUER said that, considering the limited sum he had to appropriate to the purposes of drainage, he was not prepared to extend assistance to other objects, especially as he found it to be the fact that in the west of Ireland persons who had used machinery for scutching flax had dispensed with it, and had adopted working by hand as a better and more economical system. With regard to granting loans for the construction of farm buildings in Ireland, he was willing, as it appeared to be the general wish of Gentlemen connected with that country, and as there were possibly circumstances in relation to Ireland which did not exist in respect to England, to assent to that proposition.

Amendment withdrawn. Clause agreed to.

House resumed.

Bill reported as amended.

RIGHT OF PETITIONING—POST OFFICE PATRONAGE.

MR. C. ANSTEY presented a petition from about 130 of the clerks in the Money Order Department of the Post Office, complaining of a gross grievance they had recently suffered in respect to the dispensation of patronage. It appeared that there had lately been a vacancy in the presidency of the department, to which the chief clerk was promoted, and he had stated to the senior clerk that he should recommend him to succeed him. Soon after, however, he had informed him that Mr. Rowland Hill, the Postmaster General's Secretary, would not recommend any one of the clerks to the vacancy in that department, unless they all signed a written statement to the effect that a certain memorial they had presented was untrue.

MR. HAYTER rose to order, urging that the hon. Member ought not to be allowed, on the presentation of a petition, to enter into all these statements.

Mr. SPEAKER said, that the hon. and learned Member had a right to state the substance of his petition, and then to read its prayer.

Mr. C. ANSTEY: The clerks of the department had previously signed a document, expressive of their apology for anything that might have offended the Postmaster General, but naturally declined to declare that their memorial was false in fact, because it was, in fact, true. However, the vacancy was afterwards (contrary to the usual course of practice) filled up by a person brought from Edinburgh, who stood ten grades lower in the office than the senior clerks passed over, and who had been declared unfit on a former occasion for promotion. The hon. and learned Member, having brought up his petition, gave notice that he would bring it before the House, and he moved that it be printed "with the Votes" for that purpose.

Mr. THORNELY said, it was very important for the House to consider whether they would put the country to the expense of printing for parties who might consider themselves aggrieved by the conduct of their superiors, in any of the Government departments, no matter whether it were the Customs, the Excise, or the Post Office. It was for the House to consider whether or no it was right to make Parliament a court of appeal in matters like this. For his part, he did not think it was, and he therefore put it to the House if it would not be better to leave the petition to be printed in the ordinary course of business, when it had come before the Committee on Public Petitions?

Mr. DISRAELI hoped the House would hesitate before they accepted the views of the hon. Gentleman who had just sat down. He had always understood that any party who felt himself aggrieved by the conduct of a public department could appeal to that House for redress, if there was no other channel open to him; and he thought it would be exceedingly dangerous to interfere with that principle. The right of appeal, indeed, was part of the liberty of the subject.

Mr. FORSTER agreed with the hon. Member for Buckinghamshire, that the House ought to hesitate in this matter. The House held the head of each public department responsible for all its proceedings; but if the House interfered between them and their *employés*, how could they insist on maintaining that rule?

Mr. J. STUART said, that was not quite the correct view of the matter. The question was not whether the House would interfere, but whether it would listen to a complaint. He understood that one ground of complaint was, that the claims of these parties had been rejected because they had refused to work on a Sunday.

Mr. W. PATTEN thought it would be better to defer this Motion till the petition had been before the Committee on Public Petitions.

Mr. HAYTER said, the great inconvenience which resulted from stating the contents of petitions like this was, that they went forth to the world as if they were founded in truth. Now, so far from that being the case in this instance, he could assure the House that many statements in the petition were founded upon error. He should not properly discharge his duty if he did not say that most of those statements were founded in error.

Colonel THOMPSON suggested that the House was bound to receive petitions, but not to print them.

Mr. W. BROWN considered that the House ought not to entertain such petitions.

Sir G. GREY said, the hon. Member seemed to imply that there had been an objection to the reception of the petition; that was not so, the petition having been received, and the only question now was, whether it should be printed with the Votes. The Chairman of the Committee on Petitions had stated that it would shortly come before them, and they would have to decide whether it should be printed or not, before it was competent for the hon. Member to bring a Motion on the subject before the House. That was a practice which he (Sir G. Grey) thought it was very desirable the House should follow, and he hoped the hon. Member would abide by it on the present occasion.

Mr. DISRAELI: But the Chairman of Public Petitions and several hon. Members opposite have even objected to the reception of such petitions.

Mr. BARNARD hoped no limitation would be imposed upon the right of Members to present petitions, or to state the substance of them, for the present rule was a restriction of the liberty that formerly prevailed in this respect, and under which any Member might originate a discussion on the presentation of a petition.

The public were apparently content with the present moderate system, but would not be likely to acquiesce in its further curtailment.

Lord D. STUART thought it was very desirable and important that they should know what the rule of the House was with regard to the printing of petitions. He understood that if an hon. Member wished to found a Motion on any petition, it was the practice to allow him to move that it be printed with the Votes. The petition under discussion appeared to refer to a subject of some importance; and, as he thought it very proper that clerks in the Post Office should be enabled to state their grievances to the House, it seemed to him that the best way of allowing them to do so was to print their petition with the Votes.

Lord J. RUSSELL said, the only question was whether, the hon. and learned Gentleman having presented a petition, and wished it to be printed with the Votes, it was not desirable to do what they had done in other cases, rather refer the petition to the Printing Committee than to print it at once, on the ground that it would be printed by the Committee before the hon. and learned Gentleman would have an opportunity of bringing forward the subject of it by notice. There was no doubt as to the rule. If the hon. and learned Gentleman should bring forward a Motion on the subject before the petition was printed, the House would agree to the Motion for its being printed. The only question, therefore, now was rather one of expense. It must be in the discretion of every hon. Member, whether he thought he could bring forward such a Motion as to justify him to ask for the printing of a petition.

Mr. THORNELY said, it was a question for the House to consider whether the complaints of the clerks in the Post Office, in the shape of a petition, should be printed or not.

Sir R. PEEL thought the usual practice had been, if an hon. Gentleman considered the allegations of a petition were well founded, that he would bring forward a Motion upon it, to permit the petition to be printed with the Votes; and it would be a very unwise rule to lay down, that because a petition proceeded from clerks in any office, the House would not print their petition. The question now to be considered was, not whether that House was to be constituted a court of appeal in such a case against the superior officers of any establishment, but whether they should depart from the general usage of the House with regard to a petition to which the hon. and learned Member stated he would call the attention of the House.

Colonel RAWDON referred to a similar case in the last Session of Parliament, on which he had consulted Mr. Speaker. It had always been in the power of the House to prevent the printing of a petition, although it was in the power of the hon. Member at any time to move it.

Mr. BROTHERTON said, it was considered the better plan to refer the petition to the Printing Committee, and then the Member was not put under the necessity of giving notice of a Motion which he never intended to bring forward, merely to get the petition printed.

Mr. C. ANSTEY said, it was his intention to bring the petition and the allegations connected with the subject, under the serious consideration of Parliament; but he thought that the petition ought to be printed, and ought to be printed soon, so that the question might come under their consideration in the most convenient shape. Unfortunately, if the House now decided against him, he should have the power and influence of the Chairman of Petitions against him; for the hon. Gentleman thought that this was not a subject on which the House ought to encourage petitioners. He (Mr. Anstey) hoped that the Motion would not be rejected, and that they should not set the first departure from what had hitherto been the practice merely because Gentlemen had the honour of being clerks in the Post Office.

Mr. THORNELY said, that he had given no opinion whether the petition ought to be printed or not.

Mr. HORSMAN said, it appeared to him the question was whether they should depart from the usual rule. Although it was a petition from clerks in a public office, yet they must remember that that was an important class, and he thought it very unwise that they should hesitate about printing the petition.

Mr. HUME apprehended that if the petition went upstairs it would be printed as a matter of course. If it was not, the hon. and learned Gentleman would bring forward a Motion that it be printed; but he took it for granted that in forty-eight hours the petition would be in the hands of every Member.

Lord J. RUSSELL said, if the hon. Gentleman's object was to have the petition printed with the Votes, in order to draw more attention to it, that object was not in conformity with the Motion. If, on the contrary, he wished the petition to be printed in order to found a Motion upon it, though he (Lord J. Russell) thought it an unnecessary expense, he did not think the House would object to it.

Motion agreed to.

THE NATIONAL GALLERY.

Colonel **RAWDON** begged to put the following questions to the noble Lord at the head of the Government:—Whether the inquiry which was instituted respecting the state of the pictures in the National Gallery, with a view to their better preservation, had terminated; and, if so, would the information be given to the House? 2. Whether any proposal had been made by the Government to the Royal Academy, with a view of obtaining for the public collection of pictures the entire of the National Gallery building; and, if so, what answer had been given? 3. Whether any supplemental vote in the present Estimates would be called for to carry out the proposition? 4. Whether it was the intention of Government, before taking final steps for permanently locating the pictures on the present site, to institute an inquiry, by a Committee of this House or otherwise, in order to ascertain whether or not it would be expedient to allocate the pictures in Trafalgar-square? He wished to direct the attention of the noble Lord to the following allegations:—That it was in evidence before Committees of that House that the present building in Trafalgar-square was insufficient to its purpose as a national gallery, and unworthy of this metropolis; that half of it was not fireproof; that there was not height for placing properly works of art which were now or could be put into it; that there was no room for arrangement of schools; and that individuals were deterred therefore from, rather than invited, as they ought to be, to become contributors to our national collection.

Lord J. **RUSSELL** said, that an inquiry had been entered into with respect to the state of the pictures in the National Gallery with a view to their better preservation, and the gentlemen appointed to conduct the inquiry had made a report on the subject. The report described the present state of the pictures, and offered suggestions for their better preservation; but its authors requested time to prosecute further inquiries on the subject, more particularly in connexion with pictures on the Continent. The report had been referred to the trustees of the National Gallery, and would shortly be laid before the House. In the next place, he had to state that, in conformity with the opinion expressed by a Committee of the House, which took into consideration the use to which the building in Trafalgar-square was applied, he had made a proposal to the Royal Academy, which had for its object the obtaining of the whole of the building for the exclusive exhibition of the national pictures. The Royal Academy had returned an answer expressing a general desire to comply with the wishes of the Government in that respect. With the information now before the Government relative to the state of the national pictures, it appeared desirable that before proposing any vote on the subject, further inquiry should be made as to whether it was desirable finally to allocate the national pictures in Trafalgar-square. For that purpose, he would, early next week, move for the appointment of a Select Committee, composed, as far as possible, of the Members who served on the former Committee, who would be required to state their opinion as to the best mode of preserving the national pictures, and as to whether Trafalgar-square offered the best site for a National Gallery.

COURT OF CHANCERY.

Mr. J. **STUART** rose to put a question to the noble Lord at the head of the Government connected with the administration of justice in the highest court in the kingdom. A few days ago the noble Lord announced the resignation of Lord Cottenham, by which the Court of Chancery was deprived of the Judge who presided over the administration of justice there, and the Cabinet of one of its most distinguished Members. The noble Lord also stated upon that occasion that a successor to Lord Cottenham was about to be appointed, who would accept that great office subject to any regulations as to salary which the Committee on Salaries now sitting might think proper to recommend. Without warning, it had been for the first time announced that day, during the sitting of the courts, that instead of an individual being appointed to preside in the Court of Chancery, and instead of the Cabinet being supplied with the aid of the greatest officer in the law, it was the intention of Her Majesty's Ministers to put the great seal in commission. He begged the noble Lord at the head of the Government to consider the enormous inconvenience to the public which must result from the arrangement that day announced. It was proposed that the custody of the seal should be given to a commission composed of a common-law Judge and two Judges at present presiding over different branches of equity. The effect of this arrangement would be, to withdraw these two equity Judges for three or four days in the week from their own courts, which were already overburdened with business. This must be eminently inconvenient to the suitors who resorted to those courts for justice. Under these circumstances, he begged to ask the noble Lord how long the new arrangement might be expected to continue, and whether the members of the great profession of the law generally and the law officers of the Crown, whom he looked upon as at the head of that profession, laboured under such incapacity as not to be able to supply the Government with one individual fit to fill the office of Lord Chancellor?

LORD J. RUSSELL said: I stated formerly that my noble Friend Lord Cottenham, owing to the state of his health, was unable to continue to hold the great seal, and that consequently he had announced his intention of resigning it as soon as he had given judgment in the causes which he had already heard. I further stated that any person who might be appointed to succeed Lord Cottenham must accept office subject to any Act which Parliament may pass—whether in accordance or not with the report of the Committee on Salaries—for regulating the salary of the office. I assure the hon. and learned Gentleman that I am very sensible of the great public inconvenience that must result from putting the seal in commission at the present moment. At the same time, I had to weigh that inconvenience against the evil which, I think, would accrue if the great seal were intrusted to any individual before the Government has decided upon the course to be pursued with respect to the future duties of the Court of Chancery, the appellate jurisdiction of the House of Lords, and the administration of the functions which appertain to the Lord Chancellor as a Member of the Government. The result was, that I advised Her Majesty to put the great seal in commission; and I assure the hon. and learned Member that it shall continue in commission for as short a time as possible. I hope to be able, in the course of a fortnight, to communicate to the House the plan to be proposed by the Government with respect to the matters which I have mentioned, and with respect to which I have been in communication with Lord Cottenham and other persons, who, I think, are competent to give an opinion on the subject. As I said formerly, the subject is of vast importance, and if I fix Monday fortnight as the day on which I will announce the result of the deliberations of the Government, I believe it will be the earliest moment at which it will be possible to do so.

AMERICAN EXPEDITION AGAINST CUBA.

MR. DISRAELI: I wish to know whether the Government has received any official information of the invasion of Cuba by a bucaniering expedition from the United States of America? I also beg to ask whether, previously to the sailing of that expedition, Government received information that it was probable such an enterprise would be undertaken, from our Minister at Washington, or from any of the other agents employed by Her Majesty in the United States; and, if so, whether the Government felt it its duty to communicate the result of such information to the Court of Madrid?

VISCOUNT PALMERSTON: It is well known that a considerable time ago—I think it was about two or three months ago, or more—an expedition was understood to be preparing in the United States for the purpose of making a descent on Cuba. It is also well known that the Government of the United States issued a proclamation, forbidding the expedition, and also took measures at the time which put an end to the proposed undertaking. I received, a few days ago, a despatch from the British Minister at Washington, informing us that suddenly, and, as it appears, without the knowledge of the Government of the United States—without information obtained by them beforehand—an account reached Washington that an expedition had sailed from the southern part of the United States, for the purpose of making an attack on Cuba. First, a detachment, supposed to consist of about 2,000 men, sailed on, as far as my memory serves me, about the 6th of last month; and a further detachment of 4,000 or 5,000 followed some days after. The

President of the United States immediately despatched a naval force in search of the expedition for the purpose of intercepting it, if possible, before it landed, and, if otherwise, to take such measures as were fitting under the circumstances to carry into effect the friendly intentions of the Government of the United States towards Spain. This information having reached the Government only a few days ago, of course no communication on the subject could be made to the Court of Madrid; indeed, the Spanish Minister arrived in London only a few days since. I, however, saw the Spanish Minister yesterday, and informed him of the intelligence we have received.

UNIVERSITIES COMMISSION—THE BISHOP OF LLANDAFF.

On the Question that the House, at its rising, should adjourn to Monday,

Mr. HORSMAN said: I rise to give notice that I will next week address some questions to the noble Lord at the head of the Government respecting the Bishop of Llandaff. A memorial has been published, signed by the resident members of the Senate of the University of Cambridge, on the subject of the Royal Commission which the First Lord of the Treasury has announced that it is the intention of Her Majesty to issue for the purpose of inquiring into the state of the Universities. The first signature attached to this memorial, to which my attention has recently been drawn by the admirable reply given to it by the illustrious Person who fills the office of Chancellor to one of the Universities, is that of the Bishop of Llandaff. As this memorial professes to be signed only by resident members of the Senate, I, of course, conceived, when I saw the Bishop of Llandaff's name, that it was a mistake—that the right rev. Prelate's attention was so thoroughly engrossed by the episcopal duties of his diocese, that he had not had time to read the memorial; and that, perhaps, in a moment of impatience at having his attention diverted from spiritual concerns, he signed the paper without reflecting on the truth of the statement made at its outset. On inquiry, however, I find that although the bishop was appointed to his diocese last year, he is not resident in Wales; that he never has resided there; and that at this moment he is, as I am informed, a resident of the University of Cambridge. The first question I shall have to ask of the noble Lord next week is, whether it is a fact that the Bishop of Llandaff has never been resident in Wales; and, if so, what reasons the noble Lord can give in justification of such a deporture from ecclesiastical usage and the obligations of episcopal duties? At the time of the bishop's appointment the noble Lord received praise for having taken especial pains to select for the office a prelate who was familiar with the language of Wales. Now, I find that last week the foundation-stone of a church was laid in Wales, on which occasion an address composed in the Welsh language was presented to the Bishop of Llandaff, who was present; to which that right rev. Prelate replied in English, stating that he was unable to speak Welsh. It is true that the bishop had previously gone through the form or task of preaching a Welsh sermon; but at the close of the proceedings he apologised for being perfectly unable to converse in that language. As the public was led to believe that the noble Lord was desirous of selecting a prelate to fill the see of Llandaff who was well acquainted with the Welsh language, the second question I intend to ask is, whether the supposed familiarity of the present bishop with it was one of the reasons for his being selected, and, since a grave deception appears to have been practised on the noble Lord, whether he will state by whom that deception was practised? I will ask these questions on Thursday next.

Lord J. RUSSELL: Sir, the hon. Member might have taken one of two courses with reference to this matter. He might now have given notice of his intention to ask some questions with respect to the Bishop of Llandaff, and there have ended, or, having given me notice privately that he meant to ask these questions, he might have made the attack on the Bishop of Llandaff of which he has just delivered himself; but, for the hon. Member to come forward and give a notice, and to avail himself of that opportunity to make an attack on a right rev. Prelate, is not quite in accordance with the fairness the House has a right to expect from one of its Members. I certainly am unable, at this moment, to give an answer applicable to all the particulars to which the hon. Member has adverted. All I can say is, if it be necessary to explain the reasons which induced me to recommend Dr. Oliphant to the Crown for the see of Llandaff, is that having heard—in common with the rest of the world—that many complaints were made in Wales, that when bishoprics in Wales became vacant, persons unacquainted with the Welsh language were appointed to fill them (a charge directed, not against any particular Government, but against successive Governments), when the see of Llandaff fell vacant, I made inquiry, not of one or two, but of many persons who, I thought, were able to give me the information I desired, whether they were acquainted with any divine who, with eminent learning, and those other qualifications which are generally sought for in a person filling the office of bishop, combined a knowledge of the Welsh language? I deemed myself fortunate in the result of that inquiry, because I found that Dr. Oliphant had been the head of a college in Wales, and that for several years during which he filled the office of principal of that college, he had given satisfaction to the inhabitants of the diocese in which the college was placed. I found, likewise, that he had acted as parish priest in a benefice in Wales, and in that manner had become acquainted with the language and habits of the people of the principality. I found, too, that to this special fitness for a see in Wales, Dr. Oliphant joined eminent learning. Upon making inquiry of two high authorities—namely, the Archbishop of Canterbury, and the Bishop of Winchester—I ascertained that Dr. Oliphant was known to the Primate generally, and to the Bishop of Winchester particularly, from the circumstance of his having resided for a considerable time in Winchester; and from both those right rev. Prelates I received the highest testimonials as to Dr. Oliphant's qualifications. I heard from the Archbishop and the Bishop of Winchester, as well as others who knew Dr. Oliphant, and who thought that they were in fairness bound to acquaint me with the circumstance, that he had never been known to hold the political opinions to which I am attached; but I felt that if I could obtain for Wales the benefit of a bishop possessed of the eminent qualifications which belonged to Dr. Oliphant, I ought to waive any consideration of that kind, and, therefore, I recommended him for the appointment to the Crown. I had never seen Dr. Oliphant before, and I have not had much personal communication with him since; but all the communications which have passed between us have been directed to the object of obtaining for him a residence in his diocese. Some difficulty may have existed on that point with which I am not acquainted, but I shall, perhaps, be better able to explain it in answering the hon. Member's question on Thursday. I must state, however, that there is no reason for doubting that it is the intention of the Bishop of Llandaff to reside permanently in his diocese, and that all the expectations which influenced me in recommending him to the Crown will be realised. The hon. Member has referred to what I, as well as he, saw in a newspaper respecting the bishop's answer to an address presented to him in Wales. I observe that the bishop, having preached a sermon in the Welsh language, an address in the same language was subsequently presented to him, whereupon he said that he was not sufficiently master of the Welsh language to make an impromptu reply to a formal address of congratulation and kindness. I think that is very likely to be the case with a person who is not a native of Wales, and therefore cannot be expected to speak the language with the ease and fluency of a native. Notwithstanding all the hon. Member has said, I have not the least reason to believe that I have been deceived in the information I received respecting Dr. Oliphant. I have no reason to repent of the advice I gave the Crown to place Dr. Oliphant in the see of Llandaff, and I believe that he will prove an ornament to the bench of bishops, and likewise be of the greatest service as a spiritual instructor of the people.

Mr. GWYN begged to express his thanks and those of the clergy and inhabitants of the diocese of Llandaff for the appointment of Dr. Oliphant. A more excellent appointment it was not possible to make. He was a prelate of the greatest piety, and was acquainted with the Welsh language. Having been present on an occasion when Dr. Oliphant, on laying the foundation-stone of a school, preached a sermon in Welsh, he (Mr. Gwyn) could state that it was a sermon which every one understood, and that the country people went away expressing their admiration. It was no fault of Dr. Oliphant's that he was not resident at present; a house had been bought for him, and was in course of preparation; and it was his intention to go into residence as soon as he possibly could.

Mr. HORSMAN had said nothing of the personal qualifications of the Bishop of Llandaff, but had asked, first, whether since his appointment he was not resident;

and, secondly, whether he was acquainted with the Welsh language or not? On these points he should feel it necessary to repeat his questions to the noble Lord on Thursday next.

Subject dropped.

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

House in Committee.

Clause 27.

LORD D. STUART observed that the question raised by the clause was, whether the conducting of funerals should be left to free competition, or whether authority should be given to the proposed board to intermeddle. It was no sufficient ground for abandoning the sound principles of free competition, that in certain cases advantage had been taken of relatives by undertakers. There might be instances of extortion; but no inconsiderable portion of the charges made by the undertakers consisted of charges for scarfs, &c., which went to the clergyman; and in 1842 the Bishop of London had stated before a Parliamentary Committee that a large portion of the emoluments of clergymen were derived from that source. But whether the undertakers were extortioners or not, was it right for Parliament to interfere with free competition? Why should not the people be left to protect themselves? It was by encouraging free competition that the public interest would be best promoted, and not by reducing the number of people engaged in the trade; for the effect of the clause would be to reduce the number of undertakers. The Board of Health were empowered to obtain tenders for conducting funerals; but if that board did not invite a man to make a tender, was he to be excluded from undertaking funerals? Would not the consequence be a system of favouritism and jobbing? Was there any fairness in such a proceeding? Again, it was proposed to enact that if any undertaker offered to contract for conducting funerals, and his offer was accepted, it should be open to any person to call on him to perform a funeral, and that he should be bound to perform it. But no provision was made for paying him. At present an undertaker might make inquiries relative to his customer, and might decline to execute the funeral. Under the Bill, however, those who contracted with the Board of Health would be compelled to execute a funeral when called upon, as if they had made a special contract with the party requiring their services. That was an exceedingly oppressive arrangement. The whole clause might be omitted without interfering with the rest of the Bill; and he was prepared to divide the Committee on the question.

MR. ALDERMAN SIDNEY repeated the objection to the clause that, whilst it compelled undertakers who contracted to take funerals, it made no provision for their being paid. With respect to the charges of undertakers, all that the House of Commons could deem incumbent on it was to protect the defenceless; but the inquiries he had made led him to believe that the charges of undertakers were not exorbitant as regarded either the pauper class or the artisan population. In a parish with which he was intimately connected in the city of London, where formerly the undertaker was allowed, under his contract, 14*s.* 6*d.* for each funeral of a pauper, the undertaker now found a conveyance and carried the body of the pauper a distance of four miles for an additional charge of only 4*s.* In the case of a better class, the undertaker found a coach for six mourners, supplied pall-bearers and attendants, cloaks, scarfs, and everything, and conveyed the corpse a distance of four miles for 3*l.* 10*s.* When that was the case, and parishes were enabled to have their paupers conveyed the same distance for 18*s.* 6*d.*, he really did not see the necessity for the Board of Health interfering, as proposed by the present clause.

SIR G. GREY said, the object of the clause was to invite tenders from undertakers, to distribute the business as much as possible, and to enter into contracts with the trade to perform funerals at certain specified rates. From communications which he had himself received from members of that body, he knew that there would be many willing in the different districts to undertake to conduct funerals at a given price. If the Board of Health considered those prices reasonable they would publish them, and would state to persons who wished their relatives to be buried at that rate that Mr. So-and-So, an undertaker, had contracted with them, and would bury at that rate. That was the object of the clause, it having been deemed desirable, when the places of interment were removed to a considerable distance from the abodes of the poor, to provide, if possible, some means by which they could lessen the expense of funerals to those parties; and he believed the operation of the clause would be that there would be found members of the trade willing to contract at a much lower rate than was charged at present. At the same time the clause did not make it compulsory upon the public to employ the undertakers who contracted.

MR. WYLD asked what the effect of the clause would be upon parishes? At present the great mass of the working classes employed undertakers who would give credit; but if this clause were compulsory, and the poor had not the means of paying cash for the funerals of their relatives, it would at once fall back upon the parish, who would be compelled to bear the whole expense. Was the clause to be permissive or compulsory?

The ATTORNEY GENERAL said, it was both permissive and compulsory—permissive, inasmuch as the public might go to any undertaker they pleased; compulsory, inasmuch as the undertakers who contracted with the Board of Health were bound to bury at the rates specified in the contract.

MR. SADLEIR said, that there was nothing to prevent a poor person ordering an expensive funeral, if the contract was to be on credit prices; and if, as was most likely, the undertaker gave in his prices for ready money, the consequence would be in numerous instances to prevent the poor from providing themselves for the funerals of their relations, and throwing the burden on the parishes.

MR. BRIGHT thought the incessant attacks which had been made upon the undertakers by the friends of this Bill, both in and out of the House, were scarcely justified. No doubt exorbitant charges were made in connexion with funerals; but were there not exorbitant charges in other trades? If every trade were to be put down because of exorbitant charges, what, he should like to know, would become of architects, lawyers, medical men, and other professions in which such charges prevailed? [Mr. WAKLEY denied that medical men charged exorbitantly.] He would withdraw the remark, then, so far as the medical profession was concerned, of which of course his hon. Friend knew much more than he did. But what he wished to say was, that the exorbitant nature of undertakers' bills arose from the foolish pride—the vanity of people in ordering expensive funerals. He saw coming down to the House that day a funeral procession, consisting of a hearse, some half-a-dozen mourning coaches covered with velvet trappings and feathers, a man marching in front with a sort of platform on his head, out of which appeared to grow a whole forest of black plumes—all was needless pomp and foolish pride—there was the semblance of woe, perhaps, but none of the reality. What reason had the person who gave orders for such a funeral as that to complain of the exorbitance of undertakers' charges? The sect to which he belonged took a very different course. They never put on mourning when any of their relatives died—they never encouraged or permitted—(he did not mean to say there was any positive law against it, but opinion was against it)—these semblances of woe, and so far as the undertakers were concerned, they never succeeded in practising their extortion upon them. But besides the funeral, a great and principal charge on the working classes, when a member of a family died, was the necessity the survivors felt themselves to lie under of dressing all the other members in black. He had known cases where parties had borrowed money for this purpose, which had taken them years to repay. If persons of intelligence really desired to put an end to the unnecessary expenses of funerals, they should begin by abandoning this foolish custom. The blame of the heavy bills for funerals was due not so much to the undertakers themselves, as the desire for vain, useless, and meaningless ostentation, and the ignorant prejudices of the public. And this was an evil which he scarcely hoped Parliamentary interference would ever remove.

MR. MACKINNON said, the sum and substance of the observations made by the hon. Gentleman who had just sat down appeared to be, that much vanity was to be found in human beings, which was perceptible in various shapes, but that in persons of the hon. Gentleman's persuasion there was none; but, surely, a peculiar sort of dress, a difference of demeanor, in manners and language, might arise from vanity in those individuals by whom it was practised—quite as great vanity as might be found in the funerals of the great, to which allusion had been made. The hon. Member had stated that the Legislature had no more right to interfere with the undertakers than with architects, or with any other class of the public. He (Mr. Mackinnon) denied that, because, when a husband lost his wife, or a wife lost her husband, there was a peculiar, it might be a mawkish feeling of delicacy, which induced them to avoid whatever might have the appearance of a deficiency of respect for the dead: and hence they were led to sanction a more expensive funeral than was perhaps consistent with their means. But he did not think that that could justly be described as proceeding from vanity. The great advantage of this Bill would be, that it would check the existing custom, and would enable parties who had the misfortune to lose their relatives to say in what way they should be buried, according to scale No. 1, No. 2, No. 3, or No. 4, instead of leaving the matter, as at present, to the discretion of undertakers, who, taking advantage of the feeling of affection for deceased relatives, induced often a more expensive display than the means of the parties could justify.

The EARL of ARUNDEL and SURREY saw no reason why the hon. Member for Manchester should attribute to vanity, or to any other improper motive, the degree of respect which in all ages every religious sect, except, as it now appeared, his own, had been in the habit of paying to the burial of the dead. It was, of course, easy to impute to vanity the trappings and display of which the hon. Gentleman spoke, just as it was easy to ridicule anything. He (the Earl of Arundel) had himself heard the strait dress and peculiar costume of the sect to which the hon. Member belonged attributed to vanity. So far from regarding as vanity the extreme anxiety which he had often witnessed in poor persons to purchase even the smallest quantity of black clothing to pay respect to the memory of their deceased relatives, he considered it as a degree of reverence highly commendable; and he believed that when the feeling of reverence for the dead totally ceased, there would be very little reverence left for the living.

SIR H. VERNEY entirely concurred in the remarks which had been made by the hon. Member for Manchester, and thought he had read a most useful lesson both to the House and to the public. He (Sir H. Verney) would say nothing with respect to the hon. Member's friends, the undertakers, except that after what he had said they might well exclaim, "Save us from our friends!"

MR. T. DUNCOMBE wished to ask the noble Lord the Member for Bath what was the reduction he expected to effect in the price of funerals? For that was the real question after all. He had seen a scale of prices advertised by an undertaker, which, as far as he could judge, did not appear exorbitant, notwithstanding what had been charged against the extortionate practice of that trade; and he wished to know whether the noble Lord's scale for funerals—for the noble Lord was now the official undertaker—would be lower or higher than this. Mr. Shillibeer, in his advertisement, told them that the Metropolitan Interments Bill was founded on his system, that of undertaking funerals at fixed, moderate, and inclusive charges. Mr. Shillibeer said, that by applying to him 30 or 40 per cent would be saved from the usual charges on first-class funerals. Now, what would the noble Lord do it for? Here was Mr. Shillibeer's scale—a nobleman's funeral, 30 guineas; a gentleman's, not a nobleman's, 10 guineas; and an artisan's, 4 guineas, and no extra charge if within ten miles of London. Now, what was the noble Lord's scale? The noble Lord, unlike Mr. Shillibeer, made an extra charge out of London; for they were told that some extra expense would be incurred in taking the funeral four or five miles out to some public cemetery in the country. Mr. Shillibeer would undertake an artisan's funeral, and bury ten miles in the country, providing the one-horse hearse, postboy, and all, for 4*l.*—would the noble Lord do it cheaper? According to the hon. and learned Attorney General this clause was to be both permissive and compulsory—permissive as to those who entered into the contracts, and compulsory as regards the public. But when all the undertakers were knocked up, which was the real object of this Bill, and that of the Committee of Whitehall, the whole undertaking business would be in the hands of the board and three or four undertakers, and what security would they then have that the prices of funerals would be confined even to their present limit? The report signed by Lord Ashley, Dr. Southwood Smith, and Mr. Chadwick, stated that the whole burial business of London might be done, as they thought, by four persons. Mr. Shillibeer had offered to undertake the whole himself, and to do the whole business of the funerals consequent on the 60,000 deaths which occurred annually in this metropolis. There were now about 700 furnishing undertakers in London, besides a large number of tailors, cobblers, upholsterers, and others, who undertook funerals, and by whose intervention the charges to the public were so enormously swelled up. The apothecary, too, did a little in the same way occasionally, and had his favourite undertakers, whom he recommended, and from whom, of course, he drew a fee. When they had knocked up the undertakers, he wanted to know, supposing they could not find so many Shillibeers, whether they must not bury the dead themselves? And, if they were going to do that, let them do it at once, and boldly. He thought the latter part of the clause ought to be expunged, because, supposing a dispute to arise between the contracting undertaker and the relatives of the deceased, recourse must be had to the Board of Health, or, as they might be more properly designated, of Trade, as arbitrators, and an unseemly wrangle must ensue relative to the proper performance of the interment. He wished to know what reduction the noble Lord the Member for Bath expected to effect under the Bill in the charge for funerals?

Mr. BRIGHT wished also to ask whether the Board of Health intended to restrict the number of undertakers, or whether every undertaker might come forward and say that he would furnish the funerals in his district according to a certain prescribed scale of fees?

Lord ASHLEY, in reply, said, that there was no intention to limit the number of contractors. He believed that the board would contract with every undertaker who had capital invested in the business. The hon. Member for Finsbury had stated the number of metropolitan undertakers as upwards of 700. That, however, was hardly the fact. Mr. John Bedford, one of the witnesses examined by the board, was asked—

> "What proportion of this number of 700 persons whose names are given in the *Directory*, calling themselves undertakers, can be said to share the principal amount of business?—I suppose nearly one-tenth, perhaps nearly 100. Of that 100, how many are principal houses?—Nearly 20 from the first class of undertakers; the lower classes in the trade are very different. Can you give any notion what is the average amount of capital employed by the first class of tradesmen?—I should say some 3,000*l*. And the average capital of the next 20?—Something like half that amount of capital for the next 20 or 30. Then the remainder, what sort of capital have they?—The large proportion are poor indeed."

The hon. Member for Finsbury said truly that the great sources of extortion were the intermediate tradesmen. Most of these were nothing more than upholsterers, who, being in the neighbourhood, managed to get the order and carried it to the city to those who had capital invested in the business, and who alone could perform the funeral. It was with these intermediate parties that the extravagant charges originated. The hon. Member for Finsbury had asked him to state the scale of prices for the different classes of funerals. He begged to say that it would not be possible to give the hon. Gentleman a definite answer to that question until they had had an opportunity of contracting with the undertakers and seeing their terms; but of this he was perfectly certain, from the minute inquiries he had been enabled to institute, that, in comparison—not with the scale of prices 10 years ago, but with the reduced scale which had been put out since the agitation on this subject commenced—he firmly believed that they would be able to find parties ready to contract for funerals at 25 or 30 per cent cheaper. Before sitting down, he begged to express his hearty concurrence in the remarks which had been made by the hon. Member for Manchester. He only wished that he had spoken upon this solemn subject with a little more forbearance. If he had considered the subject a little more maturely, he would have found that the idle folly which he had condemned was the result of an evil custom, rather than the indulgence of a feeling of vanity. It ought to be remembered that there were moments when people could not enter into a bargain; when they were obliged to take whatever was placed before them; and it was also to be borne in mind that people did not like to be charged with dealing irreverently with the remains of their friends, and were thus naturally led into an evil custom. He hoped, however, that one result of this Bill would be to abolish that pernicious custom; and here he begged to say that that good and illustrious woman the Queen Dowager, who was now "gathered to her fathers," had, in dying, as in living, conferred an inestimable benefit upon the country by her admirable example, in having expressed her wish to be interred with all the simplicity which became the member of a Christian community.

Mr. WAKLEY said, that he also fully concurred in what had fallen from the hon. Member for Manchester. Still, he believed that the fault respecting costly interments did not altogether lie with the undertakers. On the contrary, that body seemed to him to have been very grossly calumniated. He had now been acting as coroner for a period of ten years, and during the whole of that time he had never heard of a single case of complaint against an undertaker. The morbid feeling on the subject lay with the public, because, if in street A or B a splendid funeral took place, the relative of the deceased in a neighbouring street must have an equally splendid funeral. He hoped that the discussion of to-night would put an end to that morbid feeling, without, at the same time, destroying the reverence which ought ever to be shown to the dead. He regretted that his hon. Colleague should have made any remarks respecting the medical profession, inasmuch as that hon. Gentleman was indebted to that profession for his ability to attend the House upon the present occasion. There was, in fact, no difference between the practical physician and the apothecary. An invalid took physic from the latter, but as soon as the undertaker walked in, the apothecary walked out. In fact, the dead man was the very worst patient an apothecary could attend. Now, he was desirous of knowing what security there was in the present clause that the existing race of undertakers would be the parties to perform the funeral duties in future? He was anxious that in such changes as were now proposed, individual interests should suffer as little as possible. What objection could there be, then, to give to the undertakers of the metropolis some sort of security against loss? He had been informed by that class of men that if private speculators were allowed to furnish future funerals, they and their families would be involved in irretrievable ruin; and, therefore, he was desirous of proposing the insertion of certain words in the clause which would give to the undertakers a preference with reference to the contracts. He begged to move as an Amendment—

> "That the Board of Health may invite and receive tenders from furnishing ironmongers—he meant undertakers—of three years' standing in their business."

Mr. T. DUNCOMBE explained. He had not said that the apothecary was in partnership with the undertaker, but he believed that in some cases funerals had been conducted by apothecaries. His hon. Colleague had observed that the worst patient an apothecary could have was a dead body; he (Mr. Duncombe) hoped that his hon. Colleague did not mean to extend that observation to coroners.

Sir G. GREY hoped the Committee would not entertain the Amendment, which, even with reference to the hon. Gentleman's own views, was a contradiction in terms, since, purporting to benefit the undertakers of London, it absolutely excluded from that benefit all undertakers who had not been in business three years.

Mr. WAKLEY would not press the Amendment; but he hoped the noble Lord the Member for Bath would give an assurance that if he continued a member of the Board of Health, he would take care that the undertakers should have the preference in making these contracts.

Amendment withdrawn.

Sir G. GREY hoped that his noble Friend would give no such assurance, simply on the ground that it would be quite wrong for an individual member of a board to say in his place in Parliament what should be the decision of the board with respect to particular powers about to be conferred upom them.

Mr. NEWDEGATE said, that unless great precaution was exercised, the system of contract might be grossly perverted, and produce the very evils of which complaint was now made. He thought it would be best for the parish to make arrangements and contract for the interment of its own poor. Then there would be a wide competition, and cheapness would be more likely be secured. He disliked the system of classification which was adopted by the Bill. A great deal had been said about the vanity displayed by persons in the condut of their funerals; but would there not be as much vanity in having a funeral belonging to Class 1, or Class 2, or Class 3? For his part it seemed to him that this classification would act as a premium on vanity, and he must say that he felt strong objections to the clause.

Mr. COBDEN said, it was not very often that he rose to endorse any opinion utttered by the hon. Member for North Warwickshire, but he certainly did coincide with him on the present occasion. Complaints had been made of the ostentation of those who employed undertakers. This arose from our being a people of caste. Each caste was trying to emulate the caste above them; and, while attempting to discourage this system, the Government were, by putting into the present clause different degrees of caste, encouraging the very thing they deprecated. The clause contained a list of payments for the interment of masters and serfs, the very thing which ought to be rendered obsolete. What would be the effect of this? Why, that every one would be ashamed to have his friend interred in the lowest class of charges. Where was the necessity of taking any care of the higher classes at all? Surely they could bury their dead. He contended that the poorer class was the only party for which the House ought to care, because if the upper classes were cheated a little, they would not thereby be ruined. He wanted to know why the Board of Health should not make some provision that they would keep a register of the certain prices at which funerals would be conducted with decency and solemnity for the lower classes?

Sir B. HALL said, that great alarm had been excited among the tradesmen of Marylebone, in consequence of what they conceived to be the excessively high price at which an artisan was to be interred, according to the statement recently made by the noble Lord the Member for Bath. He wished to ask the noble Lord what would be the whole expense, from the time the contracting undertaker entered a house to the time the earth was thrown upon a body, for the interment of a mechanic residing in any part of London? Suppose a person died in the neighbourhood of St. Pancras, and was buried in any cemetery the noble Lord pleased, what would be the cost in such a case?

Lord ASHLEY said, it was quite impossible for him to answer the question at present. He could only repeat that the reduction upon existing charges would be very considerable indeed. He begged to add a word. On the previous evening the hon. Baronet had informed the Committee that the fees paid upon interments in St. John's Wood church, were only 7*s.* 10*d.*, an amount which the hon. Baronet contrasted with the 25*s.* which it was stated would be the maximum fees upon interment under this Bill. In the first place, the hon. Baronet took no account of the fact that the maximum in question was susceptible of very great reduction; and, in the second place, the hon. Baronet was wrong in his own figures. He (Lord Ashley), in the course of the day, had made inquiries in the parish referred to, and he had found that the hon. Baronet in his statement had entirely left out of his calculation the very heavy fee paid for the ground, the churchwarden's fee, which in that parish amounted to no less than 1*l.* 8*s.*, making with the 7*s.* 10*d.* stated by the hon. Baronet, 1*l.* 15*s.* 6*d.* instead of the maximum of 1*l.* 5*s.* under the Bill—

Sir B. HALL: Was the ground fee stated by the noble Lord for parishioners or for non-parishioners?

Lord ASHLEY: For parishioners. For non-parishioners the fee was 2*l.* 2*s.*

Sir B. HALL could only say that he had received his information from the officers of the parish. There was, however, as he had since learned, an additional charge of 4*s.*, making the fees 11*s.* 10*d.* With regard to St. Pancras, he had overstated the facts. A pauper buried in that parish paid 4*s.* 6*d.*; a parishioner 7*s.* 6*d.*, and there was a further fee for the ground of 3*s.*, making 10*s.* 6*d.* in all. He had before him a copy of a bill to the directors of St. Pancras for the interments ending December quarter, 1849, one of the items of which was "67 poor, at 2*s.* 6*d.*," which was the sum he had stated.

Mr. SADLEIR moved a proviso to the effect that no contract should be entered into by the board, the expenses of which were to be more than 5*l.* The object which he had in moving the proviso was this. He understood that the system followed in burying the humbler classes in this metropolis was one partly of cash and partly of credit, and he wished to preserve the continuance of this system, which was considered to be a great boon by the humbler classes. He named the sum of 5*l.*, because he understood that under the operation of this measure a very respectable tradesman could be interred for that sum with all becoming solemnity, whilst the funeral of a labourer or artisan could be performed for 1*l.*, 1*l.* 10*s.*, or 2*l.* Now if the clause passed without the proviso, the contractor would stipulate for cash payments as his protection against a poor person calling upon him to furnish an expensive funeral. The friends of the deceased might not be prepared with ready cash, and the consequence would be that the expenses of the funeral would fall upon the parish in many cases.

Sir G. GREY said, he did not see the necessity of placing any restriction of the kind on the Board of Health.

Proviso negatived.

Mr. BRIGHT then proposed a proviso to the effect that the Board of Health should be bound to give its sanction to undertakers other than those who had obtained contracts to undertake the performance of funerals, at the same rate as the contracting undertakers. Suppose that there were 100 undertakers, and that it was estimated forty could perform all the business, sixty would be extinguished, although the forty might not execute the work cheaper than the 100. He did not think it necessary that there should be any limitation of the number, and therefore he considered that if any undertaker chose to signify to the Board of Health that he was willing to undertake the performance of funerals on the terms published by them, such undertakers should receive the authorisation and sanction of the board for so doing. Otherwise the public would be led to the inference that there was some advantage in going to the contracting undertakers, from their connexion with the Board of Health, and an injustice would be done to the undertakers who were not contractors. He much doubted whether this measure would ever be a popular one; but the adoption of this proviso would at all events remove one objection to it.

Sir G. GREY said, that there was nothing to prevent other undertakers from performing funerals at as low or lower charges than the contractors. There was nothing to prevent their entering into competition with the contractors, and they would have this advantage, that, knowing the price of the contracting undertakers, they might undersell them if they thought proper.

Mr. BRIGHT thought the undertakers who were supposed to be in alliance with the Board of Health would possess an advantage which might operate somewhat injuriously upon others engaged in the same trade.

Mr. Alderman SIDNEY said, if it was intended by this Bill to restrict the trade of undertakers, he thought the Committee was bound to repudiate such an obnoxious principle; for he did not see why a particular class of tradesmen in London should be debarred by Act of Parliament from that competition which existed in all other trades.

Lord ASHLEY said, that the object was to distribute the business as widely as possible.

Colonel THOMPSON could not perceive the difference between these and any other contracts. Would not the fair and reasonable course be for the board to give information of the terms they would give for burials, according to certain specifications, and then accept the best contract that was offered?

Sir De L. EVANS wished to know if the tenders were to be publicly advertised for?

Sir G. GREY said, that the Bill implied that they would be sought by public advertisement.

The ATTORNEY GENERAL opposed the Amendment, on the ground that if every one might come in and do the work which one man had contracted to do, there would be no contract or competition at all, and no one would enter into such a contract.

Mr. BRIGHT said, that what he wanted was the sanction of the Board of Health, if he might so express it, to all undertakers, and not to particular undertakers only, who were willing to perform these funerals. He would not divide the Committee.

Proviso negatived.

Lord D. STUART felt the clause to be so objectionable that he must divide the Committee against it. Many attempts had been made to amend it, but all had been fruitless. The feelings of the poor ought to be considered, as well as those of the rich and great. He had on the preceding night said, and he now repeated it, this was not a poor man's Bill, for its effect would be to violate the feelings of the poor in the matter in which they were most susceptible. There were few things that poor people regarded with greater horror than the burial of their deceased relatives by charity. Surely that feeling deserved respect and consideration, yet by this clause hundreds of poor persons, who, if they had the advantage of a little credit for a funeral, might be able to proceed as they did at present—paying a small sum down, and the balance by instalments—would be forced by this clause in its present state to that resort which was the most abhorrent to their feelings—a pauper's funeral. Upon this ground he objected to the clause, and he opposed it also as being a gross and objectionable interference by the Government with the freedom of trade, and with matters in which they had no business to interfere.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 104; Noes 25: Majority 79.

Clause 28.

Mr. STANFORD moved that the following words be added:—

> "Provided always, that nothing herein enacted shall be construed to authorise or empower any officer or servant of the said board to enter any house or room for the purpose of removing any dead body, or for any other purpose of this Act, against the will of any relative of the deceased."

SIR G. GREY apprehended there could be no necessity for the proviso. The removal could not take place against the will of the relatives.

SIR W. CLAY believed that there were persons out of doors who would be glad to have a distinct assurance that it was not to be compulsory, and that the officer was to have no power to interfere except on the expressed request of the relative or executor having charge of the funeral.

SIR G. GREY had not the slightest hesitation in giving the assurance, but should have thought the language of the clause made it unnecessary. It was not intended to give any power of entering a house, or removing a body, without the consent of the executor or relatives, the parties in fact whose duty it was to see to the decent burial of the deceased.

Proviso withdrawn. Clause agreed to; as was Clause 29.

Clause 30.

SIR G. GREY said, that since the Bill was first introduced, he had inserted two amendments in this clause. Representations had been made to him that if no fee was allowed on the burial of those bodies which were interred at the expense of the union or parish, with the exception of those cases where the deceased parties had been members of the Church of England, there would be no minister in attendance to perform the service over them. He therefore proposed to insert in this clause, and again in the 38th clause, the following words:—"And where such body is buried at the expense of any union or parish, a sum not exceeding one shilling." The only other amendment was in line 24, the effect of which would be to prevent any fee being taken in respect of the removal of a body.

SIR B. HALL said, that this clause and the two following ones were new ones; and before they were discussed by the Committee he wished to hear the reason of the alterations that had taken place. In the original Bill it was proposed that an average of years should be taken, upon which the compensation to the present and future incumbents should be fixed. That had been abandoned; and the proposition now was that a fee of 6*s.* 2*d.* should be paid upon every burial to the present and all future incumbents.

SIR G. GREY said, he had thought that, upon the whole, this was the best mode of affording compensation. The other plan proposed that an average should be taken, for three or five years before the closing of any burial ground, of the receipts in that parish from burial fees, and that a sum should be awarded to the existing incumbents during their incumbencies, and continued to the future incumbents, subject to any deduction that might be directed by the bishop. There were great difficulties with regard to this compensation. No doubt it was perfectly just and equitable that some compensation should be made; and as regarded the existing incumbents, he had not heard any objection made. In many of the London parishes the income of the clergyman was derived in a great measure from these burial fees. In the course of his communication with those representing the interests of the clergy, he had found them ready to make a fair concession of their interests to their public good. The clause now proposed gave them a less amount of compensation than they would have received under the former clause. The principle on which the compensation was fixed was identical with that embodied in the different Cemetery Acts, but the amount was much less. The principle had been recognised and adopted by Parliament in all those Acts, the law being that, in respect to every body brought to any of these cemeteries from any parish in London, the clergyman of that parish, in some cases the clerk and churchwardens also, should receive certain fees, varying in amount at the different cemeteries. An average had been taken of the receipts in a given time on account of burial fees for the great majority of the parishes in London: it amounted only to 8*s.* 2*d.*; 6*s.* 2*d.* was the average of a more limited number; and 6*s.* 2*d.* was the amount with which he believed the great body of the clergy would be satisfied, though it did not reach the average, and in many cases fell very far short of the incomes they were now receiving. But there was this new principle embodied in the clause; that the payment of the chaplain for performing the duty at the burial ground was to be deducted from the amount of fees payable to the several clergy. The duty, therefore, would be performed at the same charge as was now the average of a large number of parishes in London. He thought this the most equitable mode of apportioning this compensation. No additional charge was thrown upon the public, in respect of the payment of the chaplain, or the incumbent; at the same time there was a provision that a sum not exceeding the same amount should be paid at the request of parties to a minister of any religious denomination, who attended to perform the burial service at the place of interment.

COLONEL THOMPSON hoped the question of compensation would be decided simply with reference to the *status in quo.* If the Church insisted on forcing an examination into whether she was the Church with which the State had made a compact or not, the case would be altered. But it was time enough to act on this when it came to pass; and till then, the only way the matter was to be viewed, was, that the Church was about to lose certain sources of revenue she had heretofore enjoyed, and for these, it was the shortest and fairest way that compensation should be given.

MR. LUSHINGTON moved an Amendment to the effect that the compensation to be awarded under the 30th clause to incumbents and others shall not be perpetual, but shall be limited to such incumbents and others only as shall be in actual possession of their respective tenures at the period of the passing of this Act. Although he did not mean to oppose compensation to the existing incumbents, in order to strengthen his case he would set out by endeavouring to show that payment of fees for burials to the clergy was not justifiable by law. As to the right to compensation he could not concede, nor did the Legislature recognise, it in such a case. The proprietors of Gatton and Old Sarum were not compensated after the Reform Bill, nor innkeepers and postmasters after the establishment of railways. In *Willis's Reports,* 18th George II., there was a case where Mr. Justice Abdy pronounced a claim for burial fees on the part of an incumbent to be untenable, and laid it down that it was the clear duty of a parochial priest to bury the dead according to the 68th canon, by which he was liable to suspension in case of refusal, as well as according to common law, by which he was made liable in a temporal court for any nuisance arising from his neglect; that neglect, in Linwode's opinion, was simony. Sir Henry Spelman called the claim of burial fees "abominable," and other harsh names; and Milton, in quoting him, used words so intemperate, that he (Mr. Lushington) was prevented repeating them by his regard for prelacy. It was but a custom—an oblation to the pastor by the relatives of the deceased. He now came to a point upon which considerable stress had been laid. It was stated, that the alterations made in the Bill were founded on the practice of the cemetery companies. When one of those companies purchased a large piece of land, they desired to have a portion of it consecrated by the bishop of the diocese; but the bishop told them that he would not consecrate any portion of their cemetery unless a high wall were raised between it and that portion of the ground which it was proposed to leave unconsecrated; and, further, that he would not do it unless they agreed to pay certain fees upon every burial to the existing incumbents, as well as to all others who might succeed them. When the cemetery at Kensal-green was opened, the proprietors of that ground, at the instance of the bishop, agreed to pay to the incumbents of parishes and their successors 5*s.* for every burial in a vault, and 2*s.* 6*d.* in the open ground, and a further fee of 2*s.* 6*d.* to the incumbent of the parish of Marylebone for every such interment. It was subsequently thought by the bishop that this was rather a bad bargain, and when other cemeteries came into existence they were compelled to pay still higher prices—the Western Cemetery to pay 10*s.*, and another cemetery subsequently established 20*s.*, and all this for the sake of increasing the incomes of the clergy! He would put a case the force of which he had no doubt would be felt by the House. He did not like to anticipate unpleasant casualties, but suppose his hon. and gallant Friend the Member for Brighton were to die at this place, he could not be buried in the cemetery at Brighton unless the incumbent of the parish were paid a sum of 2*l.* 2*s.* When the incumbents asked for compensation, he (Mr. Lushington) desired to know, was no compensation due to the public — no compensation to those who in the late pestilence lost so many of their friends and relations? It was well known that when propositions were made for the removal of interments from the metropolis, the main opposition was offered by the clergy, and mainly on account of the fees which accrued to them from the practice of intramural burial. He would ask emphatically was there no compensation due to those who had suffered by the pertinacious refusals which the clergy gave to any proposition for putting an end to intramural burials? Then, with respect to the Dissenters, he was bound to say that when the members of the Church made those payments, they only assisted an establishment with which they were themselves in communion. Now the condition of the Dissenters was the very reverse of this. He was acquainted with a gentleman of the bar, who was a rigid Dissenter; his wife, a member of the Church, was dead, and had been buried in consecrated ground; but her widowed husband, however desirous he might be to direct that his remains should repose beside hers, could secure to himself no such melancholy satisfaction; for, he being a Dissenter, the burial service of the Church could not be read at his interment. It happened to him to mix very freely in various classes of society in this metropolis, and he could undertake to say, that in almost every class there existed a certain degree of disaffection to the Church of England, which was expressed in the most violent, often in the most furious manner. In the year 1817, when the cholera morbus raged in Bengal, numerous bodies floated down the Ganges, and vultures were seen perched upon them and tearing their flesh with their obscene talons. There were those who might refer to the habits of eastern birds of prey to illustrate their ideas of western voracity, but he should not seek to establish any analogy of that kind, because he was willing to pay due respect to every class of men; but, from the language used out of doors, he should not be astonished if Her Majesty's Ministers were accused of committing Her Majesty's subjects to the rapacious clutch of an insatiate hierarchy. Such or similar language was frequently used, and he must say, that if they wished to secure the failing attachment of the Dissenters, they would agree to the Amendment which he had proposed.

Amendment proposed, page 11, line 9, after the word "compensate" to insert the words "the present."

SIR B. HALL said, the proposition he and hon. Gentlemen who thought with him wished to place before the House was, that compensation should be given only to the existing incumbents, and not to those that came after them. Now, he wished to put the matter before the House on this broad principle, whether the people of that metropolis, those that were to come after the present generation, should pay for the interment of their relatives and friends large sums of money, and to a class of gentlemen for doing nothing. At first, in the former Bill, it was intended to give compensation in perpetuity to clergymen, as at present, on an average of five years; but it being thought that the incomes of clergymen would hereafter become too large under that regulation, a clause (the 31st) was introduced, which empowered the Commissioners of the Treasury, or other official persons, having the sanction of the Bishop of London, to reduce the incomes of incumbents lest they might become too great. He was prepared to show to the House, that the incomes which would be derived by them under the present Bill, would be much larger than were contemplated in the former Bill, by 175 per cent, on an increase of the population at the rate of 45 per cent. On a former occasion, he asserted that the Bill altogether was redolent of the Bishop of London and Mr. Chadwick; and he had it from unquestionable authority, that the Amendments now sought to be introduced by the Government emanated from the bishop and metropolitan incumbents, with a view to maintain and increase their incomes. A notice appeared in a Sunday journal, which he was in the habit of reading, and which journal might be considered a very fair exponent of Ministerial views and intentions in reference to the Bill, in which that measure was characterised as a most perfect piece of legislation; and it being so perfect, he thought it marvellous that the Government should have altered it. What induced them to make the alteration? What but the agitation that had taken place, because the Bill had caused great dissatisfaction amongst the labouring classes, who could only see that if the management were given to a Goverment Board, they were certain to be charged heavier fees than heretofore. It was all very well to say the agitation had been got up by interested parties, by funeral undertakers. He, however, believed the clause they were then discussing had been the cause of the greatest opposition, and created not alone the greatest discouragement, but also the greatest disgust. He had asserted that the Bill, as amended, spoke strongly of the interference of the Bishop of London; and what was the official announcement? That the Bishop of London headed a deputation to the Secretary of the Home Department, and suggested the changes. One change was, that, instead of having their incomes fixed at an average of five years, they should have a fixed fee of 6*s*. 2*d*. on every interment that took place in consecrated ground. What would be the effect of that alteration? Why, that as population increased, so would their incomes increase in an equal ratio. On a former occasion, when he cited the population of St. Pancras and Marylebone parishes, he was told by the right hon. Baronet the Home Secretary that he had selected these parishes as telling more for his case. But he begged then to say that he cited them not only because they were parishes which he had the honour to represent, but also because they comprised a sixth of the population of the metropolis, and were assessed at some two millions sterling. In 1801 he found the population of the parish of Marylebone was 64,000, whilst in 1841 it rose to 148,000. In 1801 the population of St. Pancras was 31,179, and in 1841 it increased to 145,238, or, on the whole, more than 200 per cent. Now, if they fixed the fee at the rate of population given, they would find it would increase in the same ratio. He would next take the case of deaths. In 1845, in Marylebone, the number of deaths was 3,200, which, at 6*s.* 2*d.* each, would give 587*l.* In 1846 they reached 3,472, which, at 6*s.* 2*d.*, would give 1,070*l.* In St. John's Wood, in 1823, there were interred 1,260 bodies, which, at 6*s.* 2*d.*, would give 388*l.* 10*s.* In 1846 there were interred there 2,063, and that number, at 6*s.* 2*d.*, amounted to 666*l.* 19*s.* 4*d.*, showing an increase of 278*l.* 19*s.* 4*d.* The object of the clergy in going to his right hon. Friend was evident. The bishop as *pastor pastorum* had made as good a case as he could for the shepherds, requiring that a positive fee should be fixed for them; but when the representatives of the flock in Parliament demanded a schedule in order that the flock might not be fleeced by the shepherds, the Government said that nothing of that kind could be granted. [The hon. Baronet then entered into a number of details with regard to the burial grounds of St. Giles's and other parishes, to show how insufficient was the space, and what numerous evils had arisen from that cause.] Let the House consider the position in which the Church was placed, the schism which existed within her communion, and the propositions recently made and happily rejected in the House of Lords, for the purpose of giving power to the clergy; and let them ask themselves whether respect would be paid to the dignitaries of a Church who asked that the community should be taxed in perpetuity, for those who would not, under the provisions of the Act, do anything in return?

Mr. NEWDEGATE said, the hon. Baronet the Member for Marylebone, and the hon. Member for Westminster, had made a severe attack on the clergy; and the latter hon. Member had read some disgusting details of what he said had taken place in some of the churchyards of the metropolis. So foul seemed his collection that his courage failed him, and he did not inflict the whole of it upon the House. When the hon. Baronet laid the blame of the crowded state of the churchyards to the clergy, he ought to have recollected that they were not so much in fault as the inhabitants themselves, and those who represented them, whose duty it was to have moved in the matter, and attempted to remedy the abuse by legislation. The hon. Baronet ought also to have recollected that the fees were only the means of paying the clergy; and when he complained that the fees would increase as the population increased, he ought not to have forgotten that, as the population increased, the duties of the clergy must also increase. It seemed to him that the clause was a proper provision for the future spiritual duties of the Church. The attack of the hon. Baronet on the clergy was for a state of things which they could not remedy. Was not that the case?

Sir B. HALL said, if the clergymen had made representations to the parochial authorities that the burial grounds were insufficient, the evils might have been remedied. But nothing of that kind had been done.

Mr. NEWDEGATE: But if these evils were notorious, representations were unnecessary, and it was the duty of the vestries, and the Members representing these boroughs, to see to their removal. He was not so conversant with the position of the London clergy in this respect as he was with that of the clergy in some other towns. In Birmingham there were cures of souls where the remuneration did not exceed 150*l.*, more than half of which small stipend depended on burial fees. It was not correct to say that these payments were for the act of burial; but they were official fees, not for the mere performance of the act, any more than fees to some law officers were payments for the mere act of signature, where, upon no other man's signature but that of such officer, such fees would acrue; any more than fees for burial could acrue to any but the clergymen of the parish; they were a part of the stipend. Objection might be made to the form of payment; but unless other means were provided, the depriving the clergy of them would be simply robbing them of a part of their income. He thought the hon. Baronet had not scrupled to pervert the circumstances for the sake of making an unfair attack on the clergy.

MR. HUME said, the question was, whether the burial fee was a vested right or not, and whether the incumbent had any legal title to it. He thought it had been proved that the clergy had no legal title to a fee upon interments, and he should be glad to hear the hon. and learned Attorney General say whether there was any truth in the statement that by law the claim could not be maintained. The moment that burials ceased in the present churchyards, the clergy became sinecurists so far as they were concerned, and therefore their claim to compensation could not be supported. He contended that the clergyman of a parish was bound to bury without any fee, and if he refused he was liable to punishment. He thought it was fair to give present incumbents, compensation; but he denied the justice of extending it to their successors.

SIR DE L. EVANS contended, in opposition to what had been said by the hon. Member for North Warwickshire, that the metropolitan Members were not to be blamed for not remedying the abuses that prevailed in churchyards. The interests of the clergy, in fact, stood in the way of any effectual remedies being applied. Had the bishops applied their influence to the removal of the enormities that existed, they would have ceased long ago. As to the proposal of the hon. Members for Westminster and Marylebone, he should like to hear what was unreasonable in it. They had what was called a "perpetual annuity" in the first Bill; and, though the phrase had been ingeniously withdrawn, the reality had not. There were 52,000 burials in the metropolis annually; and, assuming that all these took place in consecrated ground, no less a sum than 17,000*l.* per annum would be received. From this sum the stipend of the chaplains would be deducted, and the surplus would go, in all time coming, to the incumbents of the various parishes. Now, he asked, on what good ground could they propose such a compensation as this?

LORD ASHLEY said, that he must say a few words in favour of the clergy, and in favour of the demand which they made. In the first place, he would state to the House that when the cholera existed to the fullest extent in this country, the Board of Health was called upon to act in an arbitrary way in a great many instances, and compelled the poorer clergy to close their graveyards: they agreed to do so without a murmur, although involving serious loss, for which they could never receive the slightest compensation. Then, if they looked at the compensation now offered, they would find that it was considerably less than the annuity based upon the five years' average which was proposed in the first draught of the Bill. Even supposing that the compensation was to be the amount of fees deriving from the burial of 52,000 persons per annum, it would not be much more than 16,000*l.*; but it was manifest that they would not receive the fees upon the whole of these, for a considerable proportion of the interments would go into the unconsecrated ground, and into the ground set apart for Roman Catholics, and therefore all these would have to be deducted from the sum of 16,000*l.* The clergy, when they proposed the system of fees, likewise proposed that a deduction should be made for the services of the chaplains. This would amount to 2,000*l.* or 3,000*l.*, and therefore not more than 13,000*l.* a year would be left for compensation. Now, taking the estimate made in 111 parishes, the sum to which the clergy would be entitled as a fee was 7*s.* 9*d.*, while the fee which they had appropriated to themselves was 6*s.* 2*d.*, subject to the deduction he had mentioned for payment of the chaplains. There were good reasons why they preferred this mode of payment to that of the annuity. There was a precedent in the case of the cemetery companies; and then they had this advantage, that they received their payments out of the interments in consecrated ground only, and therefore were not exposed to the charge of receiving the contributions of Roman Catholics and Dissenters. So far as he could gather the opinions of the Committee, there seemed to be no very strong opposition to the compensation of the existing clergymen; but decided objections had been expressed to the perpetuation of the scheme. Now, these fees were not to be considered as mere payment for particular services; they were to be taken as a stipend for the performance of the general services which the clergy had to perform, there being in many instances little or no emolument beyond what was derived from churchyard fees, while in others fifty per cent of the clergyman's income was derived from that source. The clergymen of the various parishes would still have the charge of the poor, and the duty of visiting from house to house. All the duty taken from them was that connected with the burial of the dead—their other clerical duties remaining the same as before; and that was the ground on which it was thought right to grant the continuation of the fees. As the population increased, the duties of the clergyman would, of course, also increase; and therefore he thought there was no weight in the argument which had been founded on that circumstance.

Mr. HUME wished to hear from the Attorney General what was the state of the law regarding fees?

The ATTORNEY GENERAL said, the authorities quoted by the hon. Member for Westminster were not at all in point. No fee could be recovered either by the common law, or the canon law, for a duty not discharged by the individual; but there was a custom for claiming a fee on account of duty performed by a party himself.

Question put, "That the proposed words be there inserted."

The Committee divided:—Ayes 88; Noes 126: Majority 38.

List of the Ayes.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Arkwright, G.
Baldwin, C. B.
Bass, M. T.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Burke, Sir T. J.
Carter, J. B.
Clay, J.
Clay, Sir W.
Cobden, R.
Colebrooke, Sir T. E.
Colvile, C. R.
Corbally, M. E.
Crawford, W. S.
D'Eyncourt, rt. hon. C.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellice, E.
Ellis, J.
Evans, Sir De L.
Evans, W.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Grosvenor, Lord R.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Hobhouse, T. B.
Hume, J.
Hutt, W.
Jackson, W.
Jolliffe, Sir W. G. H.
Kershaw, J.
Mahon, The O'Gorman
Matheson, J.
Matheson, Col.
Melgund, Visct.
Molesworth, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Nugent, Lord
O'Flaherty, A.
Oswald, A.
Pearson, C.
Pechell, Sir G. B.
Pelham, hon. D. A.
Perfect, R.
Pilkington, J.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, M. T.
Smith, J. B.
Stansfield, W. R. C.
Stuart, Lord D.
Talbot, C. R. M.
Tenison, E. K.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wilson, M.
Wrightson, W. B.
Wyld, J.

TELLERS.
Hall, Sir B.
Lushington, C.

Sir B. HALL said, that the burial fee now charged in the parish St. Pancras was 2*s.* 6*d.*; by increasing it to 6*s.* 2*d.* would be adding 175 per cent to the present income of the clergyman, so far as regarded burial fees. The population of that parish, according to the last census, was 118,000, and it was supposed now to reach 130,000; so that, in a few years, the income derived from those fees would be trebled. At St. John's Wood church, the burial fee was 4*s.* 4*d.*; so that the increase there would be 45 per cent. It was a perfect farce, therefore, to talk of a deduction from the clergyman's income. Unless Government were determined to make the Church and the clergy unpopular by exacting from the people these large sums of money, what the noble Lord should do was to secure to these large parishes the advantageous position they at present held, and in respect to the smaller parishes, where the fees were high, to reduce them to the sum named in the clause, or even to a lower amount. He and his hon. Friends who acted with him on this occasion did not desire to act with any unnecessary pertinacity against this Bill; but, seeing as they did that the Government were pertinacious in their determination to impose this heavy tax upon the metropolitan constituency, and were resolved to carry out the Bill without making any concessions whatever, it was the duty of himself and his Friends to persist in dividing the House again and again until they succeeded in obtaining what they considered to be just to those whose interests they represented. He should therefore propose that instead of the sum of 6*s.* 2*d.* being the amount of the fee to be paid to the incumbent, it should be 4*s.* 4*d.*

Amendment proposed, page 11, line 15, to leave out the words "six shillings and two pence," and insert the words "four shillings and four pence."

Sir G. GREY said, he had been informed that there was a graduated scale of fees charged in the parish to which the hon. Baronet had referred, and that 4*s*. 4*d*. was the lowest fee in the scale, the average amount of the fee which had been received during the last five years being 6*s*. 9*d*., or 7*s*. higher than what was now proposed to be paid to the incumbent.

Sir B. HALL said, that the fee of 4*s*. 4*d*. was paid for about 70 per cent of the persons who were buried in Marylebone; and the 2*s*. 6*d*. fee was received for about the same proportion in the parish of St. Pancras.

Lord R. GROSVENOR thought that as the clause now stood a great number of incumbents would be losers.

Mr. HUME asked why the House should not have before them a list of what was paid in each parish? Let an average be taken of what had been paid. Let the present incumbents have full compensation. What he objected to was a perpetual annuity to those who did no duty for the same, to which they were not entitled by law, and which tended to make the Church odious in every point of view. He wished to know whether the average was made upon the deaths or the rates, without respect to the number of deaths.

Sir G. GREY said, the average was made with reference to the deaths.

Sir W. JOLLIFFE could not offer any opinion as to whether 6*s*. 2*d*. or 4*s*. 4*d*. was the just amount; but he thought that it was most unjust to make compensation, not in proportion to present value, but to what it might be when the population was doubled.

Mr. BRIGHT said, that if the average were struck upon the whole number of burials it would come to one sum, and, if made according to the number of parishes without reference to the actual number of burials, it would come to an entirely different sum. The House, he must say, was asked to do what would bring a great amount of odium upon the clergy of London, and likewise on the measure itself; and, taking both these circumstances into account, he thought the Government would only be acting a wise part if they postponed this clause for the present with a view to its being reconsidered. The day of reckoning for the Church was not far distant, and would prove a still heavier undertaking, if, in the interim, the Government did not take the side of the people and of justice, instead of allowing themselves to be browbeaten, as he believed they now were, by the Bishop of London.

Sir B. HALL said, that before he divided, he wished to know if there was any objection to postpone the clause?

Sir G. GREY did not see what was to be gained by postponement, and declined.

Sir B. HALL: Then I withdraw the Amendment, and move that the Chairman report progress.

The CHAIRMAN: The hon. Baronet cannot withdraw his Amendment without the consent of the Committee.

Mr. HUME: Then, Sir, I move that you report progress.

Question proposed, "That the words proposed to be left out stand part of the Clause."

Whereupon, Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 52; Noes 144: Majority 92.

Mr. Alderman SIDNEY said, that the burial fees in the district with which he was acquainted were—in St. Bride's, 3*s*. 4*d*.; in St. Sepulchre's, 4*s*.; and in St. Bartholomew the Great, 1*s*.; and these charges included the cost of digging the grave, and registering the death. In fact, the charge of 6*s*. 2*d*. was greatly in excess of the average of the fees paid to clergymen for burials; the matter required further consideration. He should, therefore, move that the Chairman leave the chair.

Mr. HUME said, that there ought to be a table of the fees at present charged laid before the House, and a calculation made founded upon it.

Lord J. RUSSELL said, that at the rate hon. Gentlemen were going on, discussing every line of every clause, the Bill would take six weeks to get through Committee, if every other Bill were postponed in its favour. However, he would not oppose at that hour the Motion that the Chairman should report progress, and have leave to sit again at twelve o'clock on Monday.

Mr. HUME opposed the sitting at twelve on Monday, he having to attend a very important Committee of the House at that hour on the same day.

Lord J. RUSSELL did not see how it would be possible to get on with the Bill otherwise. If they left it to take its chance with the other business before the House at five o'clock, it would take the whole of the present Session to get it through Committee, unless hon. Gentlemen would give more facility to the passing of the clauses.

Sir B. HALL had to attend a meeting

of his constituents upon this very subject at twelve on Monday. He, therefore, should oppose a twelve o'clock sitting. If Government brought in a measure of such a description, they must expect the representatives of the people, who would have to pay the taxes, to sift its provisions carefully. Nothing like a factious opposition had been given to the Bill.

MR. D'EYNCOURT also opposed the sitting at twelve o'clock on Monday, he having to attend a Committee of the House at that hour.

MR. LUSHINGTON said, that his constituents were exceedingly disgusted with the precipitation with which the Bill was being passed through the House.

LORD J. RUSSELL proposed that the Committee should be adjourned to twelve o'clock on Tuesday.

House resumed.

Committee report progress, and ask leave to sit again.

Motion made, and Question proposed, "That this House will, upon Tuesday next, at Twelve of the clock, again resolve itself into the said Committee."

MR. BOUVERIE opposed the sitting at twelve o'clock. He moved that the words "twelve o'clock" be struck out.

Amendment proposed, "To leave out the words 'at Twelve of the clock.'"

LORD J. RUSSELL said, that the effect of striking out these words would be, that Tuesday being a day on which Motions took precedence of Orders, the Committee would be thrown completely out. He, therefore, hoped the Motion would not be pressed.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 136; Noes 23: Majority 113.

Main Question put, and agreed to.

Committee to sit again on Tuesday next, at Twelve of the clock.

The House adjourned at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 10, 1850.

MINUTES.] PUBLIC BILLS.—1ª Small Tenements Recovery (Ireland).

2ª Incumbered Estates (Ireland) Act Amendment; Manchester Rectory Division; Court of Chancery (County Palatine of Lancaster).

Reported.—Railway Audit Bill (No. 2).

Royal Assent.—Exchequer Bills; Process and Practice (Ireland) Act Amendment; Acts of Parliament Abbreviation; Sunday Fairs Prevention.

INCUMBERED ESTATES (IRELAND) ACT AMENDMENT BILL.

Order of the Day for the Second Reading read.

The MARQUESS of WESTMEATH then moved the Second Reading of this Bill, on the ground that under the Incumbered Estates Act no man owing a single shilling could be certain that his estates would not be swept away from him under the system of confiscation which it sanctioned and established. At the time that Bill passed their Lordships' House it was not intended to let it come into operation unless in those cases wherein the estate was incumbered to half the gross value. But an alteration was made in it by the other House of Parliament, whereby, if any man had a charge upon an estate to the amount of 101*l.*, he could apply to the Court of Chancery for a receiver, and thereby bring the whole estate under the jursidiction of the commissioners. Under this system the owner of an estate, if he were abroad, would have no notice of the proceedings instituted against him until he returned home, and when he returned he might have the satisfaction of finding that his estates were sold, or rather confiscated, during his absence. The commissioners were not content with administering this law in all its severity, but had actually set aside the law of the land in their anxiety to give effect to it. On leases renewable for lives the commissioners were required to give to the tenants six months' notice before they proceeded to sell; but in a recent case, on the estate of Lord Portarlington, they called upon the tenants to come forth within a month, and, if they did not, gave notice that they would foreclose and sell the property. Were experiments of this kind fit to be tried in a country like Ireland? The Irish landlords were treated like dogs—like dogs placed upon the table of the anatomist for anatomical purposes. But such treatment could not be continued with safety; such a burlesque of justice could not be tolerated. It was from a full knowledge of the mischievous operation of the Incumbered Estates Act that he now moved the second reading of this Bill to amend it. Having shown that the existing law had led to the sale of many estates at prices infinitely below their real value, the average price not being more than seven years or seven and a half years' purchase, he proposed to enact by his Bill that "a moderate minimum" of fifteen years' purchase should be fixed as the price below which no estate could be sold under the authority of this law. He thought that Her Majesty's Ministers ought to accede to such a proposition. If they did not, their object must be confiscation, and nothing else, for the existing law was going in a hand canter, or, he should rather say, at full gallop, to confiscate all the land of his unfortunate country. He also proposed to introduce a clause into his Bill whereby the owner of any estate which was bought under it would have protection, as was now the case in bankruptcy, until his estate was sold. He could not suppose that any man who cared anything about justice could oppose so reasonable a proposition.

The Earl of CARLISLE assured the House that Her Majesty's Government was not wanting in sympathy for the landlords of Ireland; but still he must not conceal from it that it was not in the contemplation either of the Government, or, as he believed, of the Legislature, to repeal or dispense with any of the leading provisions of the Incumbered Estates Bill. He would not discuss with the noble Marquess, on that occasion, the policy of the Bill, either as it passed their Lordships, or as it passed the House of Commons, where an Amendment was attached to it very unpalatable, as it appeared, to some of their Lordships. It was very true that some estates had been sold under the Act at not very advantageous prices, but then others had been sold at rates which were considered unexpectedly high. Notwithstanding what had fallen from the noble Marquess, he was quite certain that the commissioners would not allow a man's estate to be sold and swept away from him by surprise. He knew that great abuses, and he might even say great hardships, existed in Ireland owing to the facility with which receivers were appointed to estates where the debts were small; and the mode of remedying those abuses and those hardships was now under the consideration of the Government. That evils had resulted from the operation of the Incumbered Estates Act was not to be denied; but they were not of the aggravated character which the noble Marquess represented them to be. He should therefore discourage the further progress of this Bill.

The Duke of RICHMOND observed, that when an estate was sold for seven and a half years' purchase, a *primâ facie* case was established against a law which so ruthlessly took away an estate from a man and his children. If the noble Marquess pushed his Bill to a division, he should certainly vote in favour of it.

The Earl of GLENGALL said, that the Act now in operation amounted to nothing less than downright plunder and robbery of the most infamous description. He could tell their Lordships that if the law as it stood was not altered, and that speedily, the people of Ireland would meet in Dublin and redress their wrongs themselves. They would not submit to have their property confiscated for the sake of a dirty theory got up by the Manchester school. He would remind their Lordships of the difference which had been made in the Bill after it left their Lordships, and that when it received its final assent at the hands of their Lordships there were not above twenty Peers present. This was the way in which this scandalous Bill became law, and it would be a disgrace to their Lordships as long as it remained on the Statute-book. Estates—he did not talk of house property, but land—had been sold at from one and a half to fourteen years' purchase. The noble Earl at the head of the Woods and Forests had told their Lordships that some of the estates sold well; and this statement was no doubt corroborated by the letters of the Irish correspondent of the principal newspaper of this town. But the letters in question conveyed false impressions; they were written according to order, and in them the whole truth was not told. He could assure their Lordships that, upon an average, landed property had been sold at from eight to nine years' purchase. Let their Lordships consider what was the value of the property being dealt with under the Act in question. There were now in the hands of the commissioners upwards of 15,000,000*l.* worth of landed property to be dealt with in the manner favoured by these gentlemen. The commissioners paid the purchase-money into the Bank of Ireland. The creditors were then obliged to go into the Court of Chancery to prove their titles. The consequence was that years might elapse before the creditors could receive their money, whilst the owners were sometimes cast out within a few days upon the road-side. He knew one case of a gentleman whose estate was ordered to be sold. He sent his son over with 6,000*l.* to purchase it; but he could not get into the room when the sale was going on, and the estate was actually sold for 1,450*l.* Such a state of things was unendurable. They were disgusted with

Manchester theories, and they would not have them tried upon them any longer. One gentleman's estate had been sold for another man's debt. He defied the Government to carry the Incumbered Estates Act into full effect. They would have a rebellion in Ireland if they attempted it; and they would deserve it. Charles I. and James II. had lost their thrones and their crowns for a less cause: and Strafford's case was nothing to the villany that was exercised upon those proprietors whose estates were brought within the operation of the Act. The Amendment made by the House of Commons in the Bill after it had left their Lordships' House was a mere swindle. It was brought back to their Lordships' House just at the close of the Session, and there were only three or four Peers present—not one of them an Irish Peer—when it was agreed to. Until the Act should have been repealed, there would be no end to the injustice done in Ireland.

The **Marquess of LONDONDERRY** had risen only for one purpose, that of entreating his noble Friend not to use language such as their Lordships had just heard—language which in Ireland, at the present time, might be attended with consequences of a very fatal description. He implored him not to talk about the people of Ireland meeting in Dublin to resist the laws by force. He (the Marquess of Londonderry) trusted that the loyal spirit of the Irish people would rise up against any attempt to resist the laws by violence. But when their Lordships heard a noble Lord possessed of large property complaining of the effects of a certain law, and giving as proofs of its unjust operation such facts as estates of value being sold for seven and a half years' purchase, they surely would not refuse to give lawful redress. For his own part he felt assured that if the Government went on with the measure, there would soon be not one man in Ireland who would not complain of injustice.

Lord CAMPBELL explained how the Bill had been amended by the Commons, and subsequently passed by their Lordships, and said, one would suppose, from what had occurred in the debate of that evening, that this Bill was intended to repeal the Incumbered Estates Act; but that was not so; the carrying of this poor paltry Bill would not repeal more than one or two of the clauses of that Act, and would by no means satisfy those who thought it necessary to hold meetings at Dublin, and resist by force the tyranny of the Imperial Parliament. This very slender and inexpedient Bill would not repeal the act of legislation of which those persons complained, but only a small and inconsiderable portion of it. It did not even touch the question whether the test should be applied to the gross, rather than to the net, value of the estate. It merely exempted from the jurisdiction of the commissioners those estates which were subject to receivers, or were in the hands of incumbrancers.

Earl FITZWILLIAM said, that his noble Friend (Lord Campbell) had made a very excellent speech to a different purpose from that which he had intended; for he had attacked the noble Marquess's Bill because it did not attempt to repeal altogether the Incumbered Estates Act; and, after acknowleding that there were hardships existing under that Act, he refused to allow a Bill to be entertained which would go far to redress these hardships without entrenching upon those great principles of the original measure which his noble and learned Friend supported so strongly. He said that the change proposed to be made was so small, that it was not worth making. The House of Lords had originally confined those estates which were to be liable to the operation of the Act, to those which were incumbered to the amount of one-half of the "gross" value. The House of Commons altered it to one-half the "net" value. But the noble Marquess assured the House that there were estates brought under the operation of the Act in which neither of these conditions were fulfilled; but that a receiver having been appointed under the Court of Chancery, over a portion of any estate, an attempt was made to bring such estate forthwith under the operation of the Act, doing away thereby with the precautionary effect of the clause relating to the value. Now, under such circumstances, although his noble and learned Friend seemed to think that no one would support the Bill of the noble Marquess, he (Earl Fitzwilliam) would most certainly give him the benefit of his vote, if their Lordships went to a division.

Lord BEAUMONT observed that his noble and learned Friend on the woolsack (Lord Campbell) had either never read the Bill of the noble Marquess, or else he did not understand it. The noble and learned Lord had led the House to believe that, by passing this Bill, those estates to which receivers were appointed would be exempted from its operation. But that was not the fact. The case of the noble Marquess, as stated in his Bill, was this: By reciting certain extracts from the various Acts relating to this subject, he showed that where there were very large estates, with very small encumbrances affecting only a portion of them, then the estates could be sold under the operation of the existing law. Now, this had not been the intention of the Legislature. The object of the Legislature was to relieve estates seriously incumbered; and that there might not be an improper use made of the law, it was provided by their Lordships that no estate could be sold unless it was incumbered to half its gross value. An Amendment was made in the House of Commons, whereby it was provided that no estate could be sold unless it was incumbered to half its net value; and that Amendment was not repealed by the present Bill. Another Amendment, however, had been made in the House of Commons, which enacted that any estate or landed property could be sold, on which, or on any part of which, a receiver had been obtained, no matter how small the portion on which such receiver had been placed, and no matter how small the incumbrance on the whole estate might be. This was the enactment which the present Bill sought to repeal: that was the length and breath of the measure. He thought that their Lordships could not by any possibility refuse their assent to a Bill like the present, which was not only an act of justice in itself, but was well calculated to facilitate the working of the Incumbered Estates Act. At present nearly all the land in Ireland might be brought under the jurisdiction of the commissioners, if there were such a facility in procuring the appointment of receivers as they had just heard of. The competition of estates to be sold in the land market, would be such as to reduce prices to a mere nominal sum, the glut would be excessive, and a sufficient number of bidders could not by any possibility be found. If a receiver could be so easily obtained, the enactment of their Lordships was entirely evaded, and all the land of Ireland might immediately be sold. The plain mode of amending the Act would be by reinserting the original clause of their Lordships; but he was afraid that there was no chance of doing that at present. The next best thing which they could do would be to accept this Bill, for the whole extent of it was simply this—it prevented the sale of large estates smally incumbered. He asked the Government whether, when they passed the Incumbered Estates Bill, they wished all the land in Ireland to be sold? If the Government had no such wish, it was bound in principle to pass this Bill. He should certainly give it his support: first, because he believed that it was never the intention of the Legislature to bring all the estates of Ireland under the Incumbered Estates Act; next, because he believed that it would facilitate the working of that Act; and, thirdly, because it was required by common justice. He regretted the noble Lords (the Marquess of Westmeath and the Earl of Glengall) should have strayed away so entirely from the Bill, and should have used such strong language, and he trusted they would see the necessity of withdrawing expressions of so violent a nature.

Lord CAMPBELL explained. If his noble Friend meant to say that the Incumbered Estates Act subjected and required—

Lord BEAUMONT: "Subjects"—not requires.

Lord CAMPBELL: Subjected and required all lands in Ireland, under receivers, to be sold, he certainly misunderstood the Act altogether, and also the effects of the present Bill. At present, in a case where there were receivers appointed by the Court of Chancery over an estate, the commissioners might inquire whether the circumstances were such as that it might or might not be sold. ["Oh, oh!"] Yes, such was the fact. But surely the commissioners would be most unfit to be entrusted with the great powers which they possessed, if they did not, before ordering a sale, first inquire whether their power ought in such a case to be exercised or not. Was it to be supposed that if a receiver were appointed over a small portion of a large estate, that it would be at once sold by the commissioners without any inquiry into the circumstances? It was only where the receiver swept away all the profits, that the commissioners interfered and ordered a sale.

The Earl of WICKLOW regretted that the arguments of those who were in favour of the measure had been rather against the Incumbered Estates Bill. He was very much in favour of the Incumbered Estates Bill. He pressed the Government to bring forward a measure of the kind, and nothing that had since occurred had lessened his opinion in favour of that Bill. But it had come into operation at a most unfavourable time. He believed that if the Act had passed three or four years ago, its operations would have been highly beneficial; but coming into operation last year, when land in all parts of the united kingdom, but especially in Ireland, was depreciated in value, it was not so beneficial. He should oppose any measure for the repeal of that Act. But he had heard, with an astonishment he could not express, the opinion of the Lord Chief Justice. He it was who appointed a Committee of their Lordships' House to investigate this subject. They went through a careful inquiry, and yet, in the various enactments that were proposed, it never for one moment suggested itself to the mind of the noble Lord to propose any such provision as that which it was the intention of his noble Friend now to enact. It was well known that the noble Lord opposite introduced a clause which was considered by many to be a great improvement of the Bill, that estates should not be sold unless they were incumbered to half their gross value. The other House altered it to the net value. A compromise was come to between the Government and the other House, and this extraordinary amendment was agreed to, of which none of their Lordships had any idea, that if any estate was put into the hands of a receiver, it should not be exempt from the provisions of the Bill. However, if Her Majesty's Ministers would assure him that the Bill which the noble President of the Council said the other night was likely to be brought into the House of Commons should contain a provision for the removal of this anomaly, he should at once advise his noble Friend to withdraw this Bill; but if they would not give that assurance, he should give his conscientious support to this Bill.

The Earl of CARLISLE said, he had certainly thought it his duty to call their Lordships' attention to the adjustment that took place last Session respecting the amendments of the Incumbered Estates Bill; and bearing in mind the circumstances of that adjustment, he certainly did think it would be a loss of time for the Legislature to attempt to disturb it. When he mentioned that adjustment, he could not admit that there was any breach of contract; there was no contract, there could have been none. After the Bill left their Lordships' House, it was well known it was a matter of doubt whether the Commons would consent to exempt all the estates on which the incumbrances did not amount to one-half. Being at liberty to reject it, they were, of course, at liberty to amend it. When the Bill came back, he was not aware there was any surprise. He believed the amendments were printed; there was a discussion on them, and though their Lordships did not approve of the amendments, yet they did not think them so objectionable as to reject them. He had stated that he believed it was a loss of time to attempt to disturb that adjustment; but, having heard from so many of their Lordships, especially from those who had property in Ireland, the strong opinion entertained that this very slight alteration of the Incumbered Estates Act should be adopted; having himself admitted the inconvenience which attended the appointment of receivers in many cases in Ireland, he did not feel himself called upon, having made no Motion, to divide against the Bill; and he was willing that it should go down to the House of Commons, there to be discussed, in conjunction with other measures, for the appointment of receivers, and that the whole question should be considered.

The Marquess of WESTMEATH was much gratified by the concession the noble Lord had made. He held in his hand a notice given to the tenants of an estate, from which it appeared the commissioners had taken upon themselves to set aside the law, and stated their intention to proceed to the sale of an estate on a notice of one month, although the law for the protection of individuals required six. The noble Marquess then read the notice in question, which was dated the 1st of June, which directed the tenants to pay up their rents and to take out renewals of their respective leases on or before the 1st of July next, and in default of their so doing the commissioners would proceed to sell. Was that confiscation or was it not? Here were commissioners doing that in one month which the law required should be done in six months, and yet they were upheld by Her Majesty's Government. The noble Earl (the Earl of Wicklow) thought that his speech was against the Incumbered Estates Act, and that he wished it repealed. He had no such intention. But the noble Lord (Lord Campbell) had described what that Act was, that it gave the commissioners power to determine whether such or such a man should be sold up or not, that was to say, they were judge and jury, and had power given them to masticate the landlords, and thus fill their political stomachs.

The Marquess of LANSDOWNE, concurring entirely in the propriety of the very considerate course of his noble Friend (the Earl of Carlisle), wished at the same time to have it distinctly understood he did not in the least admit that the slightest imputation rested on the Incumbered Estates Commissioners. The last allegations made by the noble Marquess who had just spoken were not in the slightest degree connected with the Bill, and contained a grave charge against the commissioners, which he (the Marquess of Lansdowne) believed to be utterly unfounded. If the Bill of the noble Marquess in any way conveyed that charge, he would have divided against it; but because it did not necessarily imply any such charge, and because he (the Marquess of Lansdowne) admitted it might be expedient that the whole of the subject should be reviewed and compared together—that subject being the propriety of selling an estate where a receiver was appointed, and where the incumbrances amounted to one-half the value—he had no objection to the Bill being sent to the other House.

Lord STANLEY said, it was true that this Bill contained no imputation upon the conduct of the commissioners, though it did propose that, in a certain degree, the discretion of the commissioners should be limited. He had risen to say, that he hoped the noble Marquess would not consider the House precluded, by adopting the principle of this Bill, from considering the expediency of a still further limitation of the powers of the commissioners. Last year, when the Bill was under consideration, they had two objects to attend to: first, as to the circumstances which ought to bring an estate under the operation of the Act; and, next, whether it was expedient to limit the discretion of the commissioners with regard to the price which should be set upon estates. It was clear that the object of the Bill was, in the first place, to satisfy the claims of the creditor; and next that the proprietor should be in the same condition as nearly as possible as if the claims of his creditors were discharged in the ordinary manner, for if that were not done, they would be inflicting a grievous wrong upon the party. If, for instance, they were to sell an estate worth 2,000*l*. a year, on which there was an incumbrance of 10,000*l*., at the rate of ten or twelve years' purchase, they would satisfy no doubt the demands of the incumbrancers, but they would leave the owner almost without a shilling. When these points were urged last year, it was stated that the discretion of the commissioners would be sufficient to guide the prices—that it was not to be supposed they would permit estates to be brought forward in such a way as to glut the market, or to allow the estates to to be sold for anything below a fair and reasonable amount of purchase money. Now, what was a fair and reasonable amount of purchase money? Would any of their Lordships say that ten, eight, seven, or even, as in one case, one and a half year's rent would be a fair and reasonable amount of purchase money for their estates? He wished, therefore, to say, without imputing any corrupt motive, that the commissioners had not exercised that discretion which last year they were led to expect from them; and as this was a serious matter, he wished to know from Her Majesty's Government whether they would have any objection to lay upon the table of the House an account of the different estates sold, the estimate of their annual income, together with the actual amount of such income, and the number of years' rental at which each estate had been sold. He believed if that paper were produced it would show that the average purchase money of all the estates—he did not speak of chief rents, such as one of 150*l*. charged upon an estate of 8,000*l*. a year, the security for the payment of which was as good as it could be in any quarter of the world, and which he was aware had sold, not, as might have been expected, for 30 years, but for 18, 20, and in some instances for 22 years' purchase. He was speaking only of freehold estates, and with respect to them, he believed it would be found that they had been sold for 10 or 12 years' purchase of the actual annual rent. He would ask their Lordships with what feelings they would view the provisions of a Bill which, because one-fifth of their property was under mortgage, should force the whole of their estates into the market, and sell them at 10 years' purchase. He asked for the papers he had alluded to, in order to see if the commissioners had exercised a proper discretion in the matter; and if it should be proved that they had sold various estates at from eight to ten years' purchase, then it would be the duty of Parliament, unless indeed they had given in their sanction to the principle of confiscation—it would be the bounden duty of Parliament to place some further restriction upon a discretion which was so exercised.

The Marquess of LANSDOWNE said, the Government had no wish to preclude any noble Lord from proposing any further restrictions that he might think proper. But if it were intended to lay down the principle that no sale should take place except for a certain number of years' purchase, then noble Lords must first come forward and define what year's purchase meant, because otherwise such a restriction would be about the most inconvenient, the most impracticable, and the most unjust limitation that could be enacted. Every person acquainted with the sale of estates in Ireland, knew that an estate sold nominally for 15 years' purchase, might often be of less value than an estate sold for 10 years' purchase; and with regard to the information which the noble Lord opposite sought to obtain, he must say that much more information would be necessary before a proper opinion could be formed of the propriety of the sale of each individual estate: such as the way in which it was cultivated, the amount of rent, the state of the poor-law, the number of paupers on the estate, and the amount of capital possessed by the farmers. When these particulars were obtained, then, perhaps, they would be in a condition to judge of the conduct of the commissioners.

Lord STANLEY said, nothing was more likely to swamp the information he wished to obtain, than to overload it by a mass of matter which was wholly irrelevant. He presumed that the annual rent of each estate was mentioned when it was put up to auction, and all he wished to know in each case was the name of the estate, the extent of incumbrances, the annual rental, and the number of years' annual rental at which it was sold; and he trusted that Her Majesty's Government would have no objection to furnish this information.

The Marquess of LANSDOWNE: Let the noble Lord make a Motion, and we shall consider it.

On Question, Resolved in the *Affirmative.*

Bill read 2^a, and committed to a Committee of the whole House on Friday next.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Lord BROUGHAM rose to present a petition from certain persons interested in the Australian colonies against the Australian Colonics Government Bill, and praying to be heard by themselves or by counsel against the said Bill; and to move that the petitioners be heard at the bar, as desired. The petitioners objected to the franchise, as fixed at too high an amount, and not sufficiently comprehensive; to the proposed legislative council, as vicious in principle, consisting of discordant materials, and alien from the principles of our constitution; to the proposed federal institutions, as premature, and likely to preduce complexity, confusion, expense, and discord; and, finally, after stating their view as to confiding the management of the waste lands to a local authority, they complained of the management of local affairs by a colonial administration here as the greatest grievance of all. There were numerous exceptions to the rule of abstaining from hearing private parties upon public Bills: he could adduce at least a dozen; and some of them were upon general and most important and constitutional measures. There was one in 1808, where the noble and learned Lord on the woolsack (Lord Campbell) was heard, on the Peruvian Bark Bill. In 1810 the barley-growers and agriculturists were heard against a Bill to prohibit distillation from grain; and in 1811 the same parties and the distillers were heard against the repeal of the Spirits Drawback Bill. Again, the owners of horses, waggons, and carts, were heard upon the General Turnpike Bill. In 1818 there was another instance upon the Factory Apprentices Bill. In 1808 he (Lord Brougham) appeared for the merchants of London and other towns, upon the subject of the Orders in Council. The slavedealers and the slaveowners had been heard by their counsel. Mr. Burge was heard as agent for Jamaica in 1839; and so was Mr. Roebuck upon the Canadian Bill. Substitute "Australia" for "Canada," and the latter case would be the same as that now before the House.

Then it was moved—

"That the said Petitioners, and also the hon. Francis Scott (whose Petition was presented on Thursday last), be heard by Counsel as desired."

Earl GREY said, if it were consistent with the practice of their Lordships' House to hear counsel at the bar on a Bill in progress, he, for one, would not object to it on the occasion of considering the present Bill, even though it would lead to a considerable waste of their Lordships' time if the precedent were once established. But in matters of great importance, he thought they ought to adhere to the long-recognised practice of that House; and if there were one point on which that practice was clear and certain, it was in not hearing counsel on general measures unless in cases where the particular interests of the petitioners were directly involved. In all the cases to which the noble and learned Lord had referred, the facts were so. In fact, in the case to which the noble and learned Lord had alluded, in which he had been himself heard as counsel, he admitted that he had been cautioned by Lord Eldon to confine himself to the point of the alleged injury done to the private interests of his clients; and yet, as he told them, even with this caution he had gone on for hours to declaim on every possible subject —a description which he (Earl Grey) had no doubt was perfectly accurate. A very important debate occurred in 1825, when Lord Carnarvon presented a petition from Members of the Roman Catholic Association, praying to be heard by counsel at the bar of their Lordships' House against the Bill for the Suppression of Illegal Societies, by which their association was sought to be suppressed. Lord Liverpool opposed the Motion; and one whose name he (Earl Grey) had the honour to bear, as well as others, strongly supported it; but on all sides the general rule was admitted and adhered to, that counsel should not be heard unless the interests of the individuals petitioning were directly affected. That rule did not, however, at all apply in the present case. In the Bill before their Lordships, not one single alteration was made in the existing laws that had not been petitioned for by the colonists themselves. It retained all the laws now in force, without making any alteration in them whatever, except with regard to points that had been repeatedly petitioned for by the colonists. Now, in the case of the Canadian Bill, where Mr. Roebuck had been heard as counsel, it should be recollected that the facts were entirely different. It was a Bill for the extinction of the Canadian constitution; and, besides, it was calculated to effect material and direct injury to the inhabitants of Quebec. It might be said that the Australian colonists had asked for more than this Bill contained; but that could not alter his argument; because all points not touched upon by the Bill were left as they at present stood. The small number of signatures to this petition was also a matter that could not be overlooked. Only five or six were those of persons interested in the colony; while, on the other hand, it was to be recollected that there had not been a single petition against the Bill from New South Wales, though it was notorious to every one in the colony that the Bill had been presented and would be passed through Parliament this year. Notwithstanding this, there had not been a single petition from the colony praying that the Bill might be altered in any particular, or that it should not pass; but, on the contrary, several petitions had arrived from Port Phillip, praying that the Bill might be passed as speedily as possible. With regard to the other signatures to this petition, many of them were, he believed, those of most respectable individuals; but with the exception of three or four, they had no property in the colony; and altogether the petition contained only somewhere about twenty signatures. To take the contrary view, he held in his hand another petition that had been presented to their Lordships' House in favour of the Bill, and that contained the names of almost every great house trading with the colonies in the City, and so numerously signed as to cover four closely written pages. With regard to the question of hearing Mr. Scott, the agent for one of these colonies, there could be no doubt as to the propriety of letting him be heard at the bar, provided the Legislative Council had thought fit to instruct him to oppose the Bill. Accordingly, as soon as Mr. Scott's petition had been presented, he thought it right to have an application made to him, requesting that he would be good enough to inform him (Earl Grey) whether he had received instructions from the Legislative Council to urge any opposition to the Bill, or to suggest alterations in it; and stating that if he had any alterations to suggest, they would not fail to receive the immediate and best attention of Her Majesty's Government. The reply to that letter was that the petition contained the grounds on which he prayed to be heard against the Bill. [The noble Earl here read the letters.] On reading the petition he found, however, that it contained no statement of the petitioner having received any instructions whatever from the Legislative Council to make this application; and he felt, therefore, justified in treating the application as an entirely unauthorised act on the part of Mr. Scott, and, he would add, one which he was sure would not meet the approbation of his constituents. So far had their Lordships' House carried this rule, of not hearing persons by counsel, unless they happened to be directly and personally interested as individuals in the measure, that in 1833, on the question of the abolition of negro slavery, their Lordships' House actually refused an application from the West India planters and merchants to be heard by counsel at their Lordships' bar. It was true that in the case of the Municipal Reform Bill counsel were heard; but then it was alone because the report of the Commissioners of Municipal Inquiry, on which the Bill was founded, contained allegations of very grave charges against particular parties connected with some of the former corporations. On the contrary, every change made by the present Bill was asked for by the colonists, or else would not come into effect until the colony formally applied to have them enforced. Besides, he believed that such an application was very seldom made to their Lordships, except in cases where a similar application had been made to the other House of Parliament also. On these grounds he should feel bound to resist the Motion of the noble and learned Lord.

Lord MONTEAGLE said, he would meet the noble Earl on his own ground, and would undertake to show that, on the principles of justice and policy, the petitioners had a right to be heard against this Bill. He regretted, indeed, that the Colonial Secretary was not himself the party to present this petition, and he still more deeply regretted, that, when the petition was presented, his noble Friend should be the party to throw obstacles in the way of a compliance with its prayer. It should be recollected that this Bill affected the value of every acre of land in Australia; each landed proprietor had, therefore, the right to petition, which the noble Earl could not but hold to be essential to freedom. The noble Earl had compared the the two petitions, that which he had presented in favour of the Bill, and that which was now under discussion. That comparison, even if it had been justly made, furnished no argument whatever against the present Motion, because if the one petition had 1,000 signatures, and the other was the petition of a single individual, he having a *locus standi* before the House, their Lordships were bound to give to the latter equal consideration with the first, so far as permitting his petition to be heard. He had been informed that the petition which the noble Earl had presented did not contain the signature of one single landed proprietor in the colony—

Earl GREY: That is quite a mistake.

Lord MONTEAGLE said, he stated what had been represented to him from good authority. On the other hand, the petition now under their Lordships' consideration contained the signatures of several most respectable landed proprietors in the colony, the first name to it being that of Mr. Lowe, an Australian landowner, and late a member of the colonial legislature, who had just arrived in this country, and who was distinguished for his station, his influence, and his abilities. With regard to the objection raised against hearing Mr. Scott at the bar, he would remind their Lordships, that this was no party question, and he appealed to them in their judicial capacity to consider what had been their previous practice. Mr. Scott was agent for the colony, Mr. Burge; as agent for Jamaica, had been heard; Mr. Roebuck, as agent for one branch of the Canadian Parliament had been heard. Why was Mr. Scott to be rejected? But it was denied that Mr. Scott had not been instructed to petition. How could he? The Bill before the House was not the Bill made known in Australia. How, then, could the Australians instruct Mr. Scott to petition against it? The Bill of the last Session, which was the only Bill of which the inhabitants of the Antipodes could be forewarned, differed essentially from the present. His noble Friend at the head of the Government had last year pledged himself to introduce clauses that would bring under colonial administration the whole of the land revenues of the colonies. There was no single point on which the colonists felt so deeply interested as that of getting the control of the land revenues into their own hands. Even in the present year, in the memorable speech of his noble Friend (Lord J. Russell) made on the 8th of February, it was distinctly promised that this privilege would be granted to the colonists. In that speech his noble Friend had stated, "To the general assembly we propose to refer the question so important to the colonies, the price of the waste lands." His noble Friend (Earl Grey) had not even hinted why this intention was abandoned. It was but a few weeks ago this amended Bill was introduced, withholding from the colonists those promised privileges which it was the highest object of their desire to obtain. Now, as it was impossible that such alteration could be known in the colonies was it fair for the noble Earl to lay any stress on the argument that no petitions had been forwarded from the colonies against the Bill of which in its present shape they were uninformed? Again, in respect to the functions of the federal assembly, it should be recollected that this Bill created a double, or he might say a triple, power of taxation, which, in itself, should justify the petitioners in applying to be heard against the Bill as affecting the value of their property. It was true the Bill made no alteration in the constitution of the Legislative Council, but it made very great changes in the functions of that body, giving the council a power even to alter the constitution of the colony. When such was the character of the Bill, were they justified in rejecting the petitions of Mr. Scott and Mr. Lowe? How could there be any sympathy or attachment between the colonists and the mother country if colonists were deprived of their just right of being heard? He cautioned their Lordships against the danger of applying a less liberal rule of construction to their ordinary practice, where a people residing so far distant as in Australia were concerned, than they would apply in their own case if a Bill were proposed to affect their rights over their own landed property. Suppose a Bill were brought in to deprive the country gentlemen of England who sat at quarter-sessions of the powers they now possessed, would the notion be tolerated for a moment that a Minister of the Crown should come down and deny them the right of being heard as petitioners? If their properties were endangered, would they be refused to be heard by counsel at the bar? He contended that no man would have the desperate rashness to offer them a denial. In the present instance the petitioners were landed proprietors. They complained of the wrong the Bill would do them. Among them stood his honourable friend, Mr. Scott, the agent for the colonies; and he (Lord Monteagle) asked their Lordships whether, under the circumstances he had described, they would press on the Bill without allowing the petitioners to be heard by themselves or by their counsel? He believed his noble Friend the Colonial Secretary had spoken inconsiderately and hastily; he could not have been aware that the petitioners were landed proprietors; but now that he was acquainted with that important fact, he would probably permit them to be heard. He should feel bound to take the sense of their Lordships on this question; if the petitions were refused, it would strengthen his case in Committee; and if the House granted the prayer of the petitioners, it would bring before their notice facts and arguments which he believed would be irresistible. It would have a further advantage—it would show to our Australian fellow-subjects that even at this distance persons are no less disposed to fight their battles when they are right, than prepared to speak the truth frankly should they conceive them to be in the wrong. On these grounds he most earnestly supported the Motion that Mr. Lowe, Mr. Scott, and the other petitioners, be heard against the further progress of this Bill.

EARL GRANVILLE regretted the opposition exhibited towards this measure, which had been brought forward by the Government in the belief that it was entirely consonant with the wishes of the colonists. The noble and learned Lord who had commenced the discussion had mentioned several cases as precedents in which counsel had been heard at their Lordships' bar; but in this instance, he (Earl Granville) considered that they ought to regard, not the interests of one class of individuals, but of the whole body of colonists collectively, and he thought they might as reasonably have heard counsel at the bar against the Reform Bill as against the Bill now before the House. If the Bill had been brought in for the first time this year, and there had since been no means of communicating with the colonies, then he considered those persons resident in the metropolis who were connected with the colonies might have fairly prayed to be heard by counsel against the measure, and it would have been only an act of fairness on the part of their Lordships to have assented to their request. But he might inform their Lordships that the report on which the Bill was founded, and the Bill itself as it now stood, reached the colony a month before the prorogation of the Legislative Council. He thought, then, that although in case of any sudden emergency the question of hearing the agent for the colonies might have been entertained, if the colonists had wished to offer any opposition to the Bill introduced last Session, they ought to have given their agent some authority to represent their wishes. If he (Earl Granville) had entertained any doubt as to the feelings of the colonists on this question, it would have been removed by a speech which had been delivered the other day by Mr. Lowe, who, he was informed, was a person of great respectability and of some influence in the colony, who admitted that before he left New South Wales he had not been able to get up a petition against the Bill in consequence of the singular apathy and indifference exhibited by the colonists on the subject. The colonists had not expressed any feeling, by public meetings or otherwise, against this Bill, and he did not think any cause had been shown for assenting to the Motion of the noble and learned Lord.

Lord REDESDALE considered that the colonists were entitled to be heard against this measure by parties who were independent of Parliament, and who were enabled to state the sentiments of the colonists on the question, and he therefore supported the Motion.

Lord KINNAIRD observed that a promise had been distinctly held out to the colonists that they were to have the management of the waste lands; and he believed it was in consequence of that assurance that the colonists had not opposed this Bill. The present case had been compared to that of the Reform Bill; but it must be remembered that the people of this country were represented in Parliament, while, unfortunately, the colonies had no representatives in that assembly; and he thought that, unless there was a fear of some exposure, the colonists ought to have the advantage of being heard against this measure. He believed it would be extremely desirable if the House were to avail itself of the circumstances of the owners of property being in London, to hear any representations they had to make against the Bill.

Earl GREY stated that a newspaper published at Sydney on the 14th of September last contained a full report of the Committee of Privy Council, which was laid before Parliament in the previous May, and that the colonial legislature was not prorogued until the 16th of October. That report contained no recommendation whatever for any alteration of the Land Sales Act; on the contrary, the report was in favour of continuing that Act, and therefore the measure upon which the colonists had formed their judgment was the very measure with which the House now had to deal. It was true that Lord John Russell had undertaken that the federal legislature might amend the Land Sales Act; but that promise could not have reached the colony by any possibility until after the Legislative Assembly had been prorogued.

Lord MONTEAGLE remarked that at the close of the last Session the noble Lord at the head of the Government had stated that it was intended to resign the control of the waste lands to the central authority to be created in the Australian colonies; and Mr. Scott having communicated that intention to the colony for which he acted, had received instructions accordingly. On the 14th of February last the noble Lord repeated this intimation in the other House; but the intention of Ministers had been abandoned in the course of the present Session, and it was only just that Mr. Scott should be heard at the bar against that part of the measure, or that it should be delayed until he could receive fresh instructions.

Earl GREY: The Committee of Correspondence could only give instructions to Mr. Scott during the sitting of the Legislative Assembly, and that assembly had been prorogued before the intimation that Government contemplated leaving the question of the Land Sales Act to the colony.

The Earl of WICKLOW thought the discussion of that evening, in the infinite doubting, not to say ignorance as to facts, that it displayed, afforded a sufficient reason for assenting to the Motion. He trusted that the noble Earl would either consent to hear the petitioners, or postpone the Bill until next Session, so as to enable the colonists themselves to declare their views respecting it.

The Earl of HARROWBY supported the Motion. It was clearly impossible for the colonists to express this Session their judgment upon the Bill as it now stood, and it was but justice, therefore, to hear their accredited agent.

Lord POLWARTH said, it would be very unjust not to hear the agents of the colony, when it was remembered that the main provisions of the Bill were very different to those which had been originally proposed and approved by the colony.

The Earl of ST. GERMANS thought an erroneous opinion would be formed in the colony of the purpose of their Lordships if they acceded to the prayer of the petition and heard counsel at the bar, on the part of the agent, against the Bill. The expression of satisfaction by the colonists, which had been so much relied upon, had nothing to do with the declaration of the noble Lord at the head of the Government, in respect to the sale of the Crown lands, because that declaration had reached the colony after that expression of satisfaction.

Lord BROUGHAM, in reply, said, that the aspect which the debate had assumed, after the speech of his noble Friend on the cross benches, who had taken a new view of the question at the eleventh hour, and with not the most paramount judgment and discretion, had totally altered the ground upon which the subject had been placed, and compelled him in reply (Lord Brougham) to enlarge more than he otherwise should. He contended their Lordships were bound, as constituting the highest judicial tribunal in the realm, not to depart from former precedents, and refuse to hear persons who alleged that they were injured by the Bill then before the House. With regard to Lord John Russell's promise, he was sure that promise could not have reached the colonies before the prorogation of the Legislative Assembly; and with respect to the instructions to Mr. Scott, they could not have been forwarded after the prorogation, as all communications by the Committee of Correspondence were interdicted. So far, then, he (Lord Brougham) admitted that facts and dates were against his argument. But Mr. Scott was the representative in general and at large of the colony: he was the person who was to be their agent, and to represent them with the Government and in Parliament. That was his commission and authority, and yet we were to be told on this occasion that he had no special instructions. Were his general instructions, then, gone to the winds? Was he to throw those instructions into the fire; and was all general authority and commission to represent them on all occasions to signify nothing, because in a given case, however important, he had not been furnished with specific instructions to meet that particular case? That would be rather a strong thing to say relative to the instructions of an agent. Cases might arise unexpectedly requiring discretion to be applied to them, and it would be monstrous to say to Mr. Scott, "You are Member for Berwickshire, and we will not hear you upon this sudden turn of Lord John Russell's opinion." Would they say that Mr. Scott's general commission and duty went for absolutely nothing, because he did not happen to have got—because it was impossible for him to have got—these special instructions? His noble Friend talked as if everything turned on Mr. Scott; but Mr. Scott was not the only petitioner. Were there no landowners' names to the petition, and were they not to be heard? It was argued, that if they heard Mr. Scott at the bar, his speech would be admitted to be the speech of the colonists; and how could that be, if he had received no special instructions? But had he not his general instructions? And Mr. Scott had expressly stated that he is to be guided, as a Member of Parliament, by his own discretion; but he had not said that, as their agent, he would not be bound by their instructions. It appeared to him (Lord Brougham) that this colony had been very hardly used. The noble Lord at the head of the Government, towards the middle of July, gave a promise, and, as it were, pledged himself, that the Bill should contain a land clause. That pledge was received in the colony about November; then December, January, February—three months—passed away, leaving the colony under the influence of that promise. Of this there could not be the smallest question—that, had it not been that the colonists had placed confidence in the promise which had been given to them by Lord J. Russell, the table of their Lordships' House would have been crowded with petitions similar to that which he had now the honour to present; for why should not those living in the colony who thought the measure injurious, think and feel so as strongly as those who entertained the same opinions, but happened to be over in this country? Were the landowners to be treated in this way? It was not only their right, but their duty, to employ their own agents. Whether their Lordships heard Mr. Scott or not, was perfectly immaterial. For his own part, he did not think it would be Mr. Scott who would address the House, but Mr. Lowe. He could speak as a landowner, and for his brother councillors; and Mr. Lowe being heard could give rise to no mistake, because he had no instructions. What he was saying was not mere speculation. There were great authorities who had given their opinions on the subject of this Bill, not so much indeed as their own opinions, but their opinion of the reception with which the Bill would be met. These were not private and paltry persons, they were not insignificant landowners—if landowners could be called insignificant—they were not people whose rank was little, and authority less. What if he should tell their Lordships that they were actually eminent, nay, paramount people, and from their condition having intimate relationship with all the inhabitants of the colonies—what if they were the governors of colonies?—the very men with whom his noble Friend was in daily official intercourse, and from whose representations he learned the condition of the colonies and the state of public feeling which prevailed there? The fact was so. Sir W. Denison, Sir H. Young, and Sir C. Fitzroy, had severally, in their official communications as governors representing the Crown in those colonies, stated their conviction that the Bill as it now stood would not give contentment; but that, on the contrary, it would produce the deepest dissatisfaction in the colonies. These were surely strong reasons for pausing before they proceeded, and for hearing these petitioners. The very debate of that night appeared to his mind to afford powerful reason for granting such a request. There had been grave assertions of facts, and doubts existed as to those facts. It had been argued that the Legislative Council had not protested; but let their Lordships beware how they listened too much to that, for the Legislative Council did not consist of the great body of landowners, or represent the great wealth of the colony. There were no leaseholders there. Could there be any argument more powerful for hearing these petitioners? To make the position more striking, he would remind the House that the Legislative Council was the very body upon whom the constitution was about to be conferred, and therefore he (Lord Brougham) had a right to suppose that the Legislative Council were for the Bill. But did they represent all the wealth and industry of the colonists? The Legislative Council did not contain either these landowners, or the representatives of them, and that was a conclusive argument in favour of their being heard, for the leaseholders were at their Lordships' bar, and the Legislative Council was not.

The EARL of ST. GERMANS explained, that what he had said was, that accounts had been received from the colonies, conclusively showing that the feelings of the colonists at large were at variance with the views entertained by Mr. Scott.

LORD BROUGHAM begged his noble Friend would tell them where he found the facts he had stated.

The EARL of ST. GERMANS said, he had seen them in the colonial newspapers.

LORD BROUGHAM: Oh, of course, as my noble Friend says he has seen these statements in a newspaper, they must be true.

On Question, their Lordships divided:—Contents 25; Not-Contents 33; Majority 8.

List of the CONTENTS.

DUKE.
Richmond
EARLS.
Warwick
Talbot
Fitzwilliam
Wicklow
Lanesborough
Mountcashell
Enniskillen
Nelson
Waldegrave
Harrowby
BISHOPS.
Salisbury
Oxford
BARONS.
Stanley
Polwarth
Brougham
Redesdale
Lyttleton
Wodehouse
Kinnaird
Tenterden
Monteagle
Heytesbury
Walsingham
Colchester

List of the NOT-CONTENTS.

ARCHBISHOP.
York
DUKE.
Norfolk
MARQUESSES.
Lansdowne
Anglesey
Breadalbane
EARLS.
Besborough
Camperdown
Carlisle
Chichester
Granville
Grey
Lismore
Minto
Morley
St. Germans
Scarborough
BISHOPS.
Down
Limerick
Manchester
St. Asaph
BARONS.
Ashburton
Byron
Beaumont
Campbell
Camoys
Eddisbury
Elphinstone
Erskine
Foley
Howden
Lovat
Say and Sele
Wrottesley

Resolved in the *Negative.*

Order of the Day for the House to be put into Committee read.

Then it was moved, "That the House do now resolve itself into Committee."

The BISHOP of OXFORD rose to move that the Bill be referred to a Select Committee of their Lordships' House. He rested this Motion, first, upon the grounds that by adopting this course their Lordships would avoid all that the noble Earl seemed to fear, namely, the violation of precedent, and at the same time secure what the noble Earl had admitted was exceedingly desirable, the valuable information which the parties whom they had just refused to hear at their bar would be able to give them in the capacity of witnesses. But this was not the only ground upon which he rested the Motion. And here he must take the liberty of stating to their Lordships in plain language, although it might be distasteful to those who were the authors of the Bill—the estimate he had formed, after patient study, of the real character of the Bill. He could not but say that the Bill appeared to him to be marked by a hasty and most injudicious handling of the great and permanent interests of the colonies. He said this in the first place, because it proposed to institute a single chamber composed of discordant elements, which it was impossible to bring together into harmonious and successful action. This alone ought to induce their Lordships to pause before passing the Bill in its present shape. This alone ought to lead them cautiously and carefully to weigh in a Select Committee an Act the principal and main provisions of which were calculated to sow the seeds of division and unquietness in those great colonies. But it was said that a single chamber, although no doubt liable to many objections, was desired by the people of New South Wales, and that therefore it was the duty of their Lordships to pass the Bill in that particular shape. Now, he denied that a single chamber was desired by the people of New South Wales, and he was prepared to produce evidence before a Select Committee which he thought would distinctly prove that it was not desired by them. The noble Earl told them of what had appeared in the colonial newspapers; but this was a point which required close sifting. The fact was that in the case of a colonial dependency which was labouring under gross evils and inflictions, singularly hard to be borne by persons of the English race and descent, it was scarcely to be wondered at if, in a moment of unthinking enthusiasm, they received with considerable favour a Bill which proposed to remedy some of the evils which pressed severely upon them, although in other parts it contained provisions of which they could not approve. It was not fair, therefore, of the noble Earl to argue that, because the Bill was admitted to contain alterations which were a great improvement upon the present state of things, therefore the people of New South Wales must be held to be in favour of a single chamber. The idea of a single chamber was doubtless favourably entertained by a certain class in the colonies, who foresaw, as well as any man in this country could foresee, that a single chamber, composed partly of nominees of the Crown, and partly of popularly elected representatives, would give rise to an unlimited series of angry contests between the two parties, which contests could end only in one way; namely, in the exclusion of those nominees, and the final constitution of the chamber on the merest democratic basis. They had been told by one who had tried it, that it was impossible for a nominee to take either side of a question without suspicion and reproach. The parties, then, who were in favour of a single chamber, looked forward to the time when they would use the power granted them by this Bill of reconstructing their constitution by making a single chamber, consisting solely of themselves. The noble Earl might say that that would be the time to propose a double chamber when an alteration was introduced into the single chamber. But he begged the noble Earl to consider what would be the state of social and political feeling at such a moment. At the conclusion of a multitude of angry political discussions, when the elected representatives had extruded the nominees from the chamber, when the leading members of the democratic party had just drank deep of the intoxicating draught of success, and were in the full enjoyment of political power, it was not in human nature to expect that in that moment of their triumph they would consent to lay down the power which the Legislature had put into their hands; in other words, that they would consent to constitute another chamber, and take from themselves the political influence which they had learned fully to appreciate, and just begun to wield. He maintained, then, that that part of the Bill which provided a single chamber would most undoubtedly lead to future internal political conflicts in the legislative body, and the establishment of a powerful and dominant democracy. This, he maintained, was a fundamental error in the Bill. It had been said elsewhere, that there were not materials in the colonies for two chambers. He thought he could prove, if their Lordships would send this Bill to a Select Committee, that this was altogether unfounded, and that, at least in New South Wales, there were abundant materials for two chambers. He did not mean to say that it contained materials for an upper chamber nominated as their Lordships were by the Crown; but he did maintain that there were abundant materials for one of another description. To this, perhaps, it was answered that such a constitution of the two chambers would subvert its own purpose. He could not allow the assertion. For why were two chambers desirable at all? The reason was this:—In every self-governing country, especially in those inhabited by persons of our own blood and race, there was a continual conflict and collision going on between two classes of minds—namely, those who were in favour of things as they were, and those who sought to improve them by advance and innovation. It was desirable therefore that the latter should be represented in the initiative chamber, and that the other should be represented in an upper and separate chamber. As the members of the upper chamber, which he would make elective like the other, he would take older men, or men elected by a higher franchise, and he would have them to consist of a smaller number of persons, and be elected for a much longer term, say nine or ten, instead of three years, besides providing that only a third part should go out at one time. These or such like provisions, would, he doubted not, impart to that upper chamber the character he desired it to possess. With respect to the allegation that the idea of a single chamber was popular among the people in New South Wales, he begged to say that, supposing it were true, which, however, he was far from admitting, it could not justify the application of that provision of the Bill to the other Australian colonies, for which it was singularly unfit, and in which there was not a shadow of evidence to show that it was popular. So much for a single chamber, with respect to which he held that a complete case had been made out for sending the Bill to a Select Committee, where, with the help of the necessary evidence, the question might be calmly, maturely, and udiciously considered by their Lordships. But there were many other points in the Bill which exhibited the same hasty and imperfect treatment for great and permanent interests. The way in which it dealt with the franchise was altogether improper. The simple fact that it excluded from the power of voting for representatives the best blood of the colonies, ought alone to prove fatal to the measure. He said the best blood of the colonies, because those who held large tracts of land under the Crown in the capacity of leaseholders, and who from their intelligence were peculiarly qualified for legislative functions, would be altogether excluded from the legislative assemblies under the Bill proposed by the noble Earl. He held, too, that the franchise had been fixed a great deal higher than it ought to be under the present state of New South Wales. He feared, also, that the effect of the Bill would be to give the convicts and the descendants of convicts absolute power in the colonies. The principle upon which this Bill had been constructed, was one of the most singular conceivable. It was said, "Set the colonists a-going with a single chamber, and at the same time give them an opportunity of amending it, and they will do so." Was there, ever since the world began, a set of political philosophers who came down to a solemn deliberative assembly, and urged such motives for the adoption of a Bill? He thought it afforded a good ground for any one to oppose the Bill, when its very authors confessed that it could not last; who, when its errors were pointed out, replied, "Aye, but we give the colonists the power of altering it when they choose." The argument of the Government seemed to be this: "The colonists are not capable of using beneficially for themselves the gift of legislative powers. We will, therefore, give them a sort of political 'go-cart,' in order to teach them the use of their limbs. This will give a practiec to their young and inexperienced minds, and will help to teach them how to conduct themselves, and when they have been so taught, it can then be swept away to make room for a better system." Was this political philosophy? The effect of the Bill would be, not to produce a wholesome collision in a united and harmonious assembly in which the different powers of the State would try their respective strengths and practise their powers for future action; but it would give rise to a perpetual series of irritating and embittering contests between the colonists and the Imperial Parliament, and would separate interests, which they ought to sacrifice everything but principle to unite. Surely the manner in which we had formerly dealt with our North American colonies was written in characters too broad to allow such doctrines to pass current in their Lordships' House. What was it that led to the loss of those colonies, and to the hostility and settled distrust which followed, but the disastrous policy which had been again traced out by the framers of this Bill? He lamented that this measure would perpetuate what he believed to be the mischievous influence of Downing-street upon the colonies. He claimed the sanction of the noble Earl to his views upon this point. The noble Earl in another place, and under another name, had commented in words which he wished he could perfectly remember upon the mischievous absurdity of supposing that any Minister sitting in Downing-street could satisfactorily and usefully govern all our fellow countrymen in the colonies—and how utterly irrational was the desire to retain such a power in hands so utterly incompetent to wield it. He did not wish to say anything against the noble Earl's peculiar administration of the colonies; he objected merely to the general principle. He objected that no separation was attempted to be made between two things which broadly and widely differed—between local and imperial interests. He maintained that it was wholly impossible that their Lordships could usefully and safely legislate for distant colonies unless they met that difficulty—unless they marked out what were local interests, which ought to be administered by a local legislature under a resident governor representing the Crown, and what were imperial interests, which ought to be settled at the seat of empire, at the heart of our widely-extended kingdom. It was said that it was very difficult to say what were local and what were imperial interests; and because it was so they would not attempt to settle them. He thought it afforded a strong argument for his Motion, that if they appointed a Select Committee to consider the Bill, they would have the advantage of the presence of noble and learned Lords, who from their great learning in the law would help them to come to a conclusion as to whether or not it was impossible to separate local and imperial interests. They were bound in justice to these numerous and distant dependencies to send the Bill to a Select Committee, in order to ascertain and mark off the boundaries that belonged to imperial and local legislation. The great object of England in settling colonies ought to be to reproduce herself—to send out representatives of her various ranks and orders. It was difficult at any time to induce persons belonging to the higher ranks to leave such a country as this; and it was therefore the part of wise legislation to remove this difficulty, so far as it could be done. But was it to be expected that a race of our own blood would tamely bear such an infraction of their rights as was involved in a Bill which, in fact, placed ultimately the whole government in a Secretary of State residing in another part of the globe? The Bill proposed to give to Englishmen accustomed at home not to the name only of freedom and of representative institutions, but to their reality, a form of government which they knew to be peculiarly distasteful to the Anglo-Saxon mind. But the most monstrous proposition in the present Bill was the provision for uniting these four colonies in one federation. This was, he could not help thinking, the most ill-considered proposal ever made in that House. Did the Government really mean to give this central federative body the power now exercised in Downing-street? If they did mean to transfer to any colonial body the absolute control of imperial questions, surely they would, in so doing, sow the seeds of the dismembrance of our empire. For the unity of our empire, in fact, consisted in the reserve to the centre of dominion of these very questions. Again, it was surely the most absurd of fallacies to say that what suited one of these colonies would suit another, because they were all Australian colonies. That was to be, indeed, governed by a shadow and a name. Did they remember that the capitals of these two in future confederated States were as far apart as London and Constantinople—that they had different interests, different wants, and different means of supplying those wants—that they had not only different, but in many respects opposing, interests? To unite these Australasian colonies, comprehending an extent of territory larger than the whole of Europe, into one confederate State, was one of the greatest instances of hasty, capricious, crude, and ill-considered legislation that he could charge against this Bill. If their Lordships believed that the race who had colonised these distant lands would one day grow into a mighty power—if they believed that they were to sway the future destinies of that portion of the globe—if they had not failed to remark the patient energy, the habitual courage, the likeness to ourselves in every element of character that made England great, glorious, and mighty upon the earth, which distinguished that race—and if their Lordships, remembering all that, would forecast the future, and bear in mind that they were now called upon to lay the foundation of those institutions which would form, mould, and frame the temper of the people—institutions which would influence them through all future time—then their Lordships must acknowledge that a greater subject for the statesman, the philosopher, and the philanthropist could not be presented to their attention. He entreated their Lordships to remember that the history of other lands taught them that they could never undo that which had been done in the youth of a nation. They might now be about to form a character that would rebel against after influences—they might now be about to plant vices from which the land might have been kept free, but from which they might never be able again to free it. They were about to give them political maxims and moral habits, and all the germs of social habits, and let them not doubt that they would reap the work of their hands. There was one matter in which he took special interest. Their Lordships no doubt would all agree that the moral character of any people would be in a great measure determined by the wisdom and judgment with which its religious institutions were formed. Now, let them mark the present state of things in New South Wales and Van Diemen's Land. There existed in the mother country a great and richly endowed Church Establishment. They had inherited with this establishment a system which, in order as it was supposed to guard the religious liberties of the people of this land, continually restrained the action of that religious body with needful, or, as some persons believed, often with needless restrictions. Now, if they passed this Bill, they would transplant to the Australian colonies every one of these stout and heavy fetters and restrictions, and give with them no one of the correlative advantages enjoyed by the Church at home. They were about to give to the members of the Church of England in the colonies all the restrictions of the English Church, without its rank, its wealth, or its social position. The Romanist in our colonies was able freely and fully to work out his own religious system, and the Legislature threw no impediment in his way. The Presbyterian and the Wesleyan Methodist were able to meet together and consider the rules which might best befit their infant institutions in that new land of their adoption. He did not grudge them one atom of their liberty; on the contrary, he rejoiced that they possessed it. He would not take away that full and free liberty which the Legislature had left them, and which was necessary to enable them to fight against vice and irreligion. But he had a right to ask their Lordships to do as much and no more for the Church of their fathers. It was laid down by legal writers that the law of the mother country became, as far as was practicable, the law of what were called occupation colonies, like those of Australia. Now, by the 25th of Henry VIII., and by many other Acts, it was enacted that whensoever the members of the Church of England met together, unless they had previously obtained the written sanction of the Crown, they became subject to fine and imprisonment, and also to the nameless and inappreciable penalties of the *præmunire* laws. Now, he did not wish to see the Church of England established by law in these colonies. If he could do it by a stroke of his pen he would not. Such an establishment would be alien from the temper and habits of these colonies; but just because he believed that the way to give true power and effect to the Church for working out its own highest vocation, was not to establish and endow it by law in these lands, he asked, as a matter of justice, that they should not in the colonies burden those who held the form of faith, the liturgy, and doctrines of the Church of England with the shackles which she wore at home. The Crown had given certain powers in the letters-patent appointing one of the bishops, which would have made provision for the exercise of some spiritual discipline; but it appeared that the Crown had exceeded its powers, and in succeeding patents the provisions were struck out. What then was the result? That all things were in a most anomalous position; for instance, the canons of 1604 were binding in the colonies, but there were no ecclesiastical courts, and no power of administering the ecclesiastical law, which was thus made binding, to substitute an autocratic and despotic power in the hands of the bishops. The result was that which was most earnestly regretted by the bishops in the colonies. This was most inconvenient. Thus, in one instance, a clergyman was known to have been guilty of great immorality, and to have seduced the governess of his own children in his own house. There was the greatest possible desire that this person should be proceeded against; but the bishop had not the power of calling a single witness, and he was liable to be proceeded against if he had taken legal means to redress the wrong. The bishop was obliged to act with autocratic power, and to refuse to allow him to receive any further stipend; and such was the distaste of the Anglo-Saxon race to any act that savoured of tyranny, that public feeling became enlisted on behalf of the clergyman, although the feeling had been strong against him in the first instance, because he could not be punished except by a punishment against which the minds of the colonists rebelled. Upon this point he should be prepared to lay before their Lordships, if they went into Committee upon this Bill, which he hoped they would not do, a clause which should introduce powers and provisions such as the nature of the case seemed to require. The House, however, had a right to expect that the Government would undertake the responsibility of settling a question of so much importance. He called, therefore, upon their Lordships to refer this Bill to a Select Committee, as well for what it omitted as for what it contained; for it was most injurious to the highest interests of the community to leave questions like these open to all the evils which must spring from applying old and obsolete rules to new circumstances, for which they were wholly unfitted. Let their Lordships remember their home experience on this point. They had seen the evil of fond and fanciful men trying to force things back to the adoption of long past customs. They had seen a cathedral city almost in the hands of a mob, while the mayor had to petition a clergyman to abandon the performance of bygone customs which by their mere discordance with present habits had created so much ill-will. How could they wish to subject the rising energies of the Church of England in these colonies to an obsolete code of laws such as the canons of 1604, without the power of altering them? For these high considerations—on grounds of a political, moral, social, and, above all, a religious character—and not upon any considerations of mere party politics, he, as a Christian bishop, thought it not unbecoming in him to move that this Bill be submitted to a Select Committee of their Lordships' House.

EARL GREY said, it would have have been more straightforward of the right rev. Prelate, and far more candid, to have moved the second reading of the Bill that day six months. It would have been but the legitimate conclusion of his endeavours to prove that it was a mass of palpable blunders. The object of the right rev. Prelate was to obtain information on a great number and variety of difficult subjects; but such Committee could not possibly get through that inquiry before the close of the Session. But what was the principle of the Bill? Why, that, finding a certain state of things existing in New South Wales, they should continue that state of things as nearly as possible, merely carrying into effect such changes and improvements as the colonists themselves wanted. As to hearing counsel at the bar, he should oppose it as utterly useless. Counsel would have said nothing more than many of their Lordships were prepared to say. And as to Mr. Lowe, he happened to know that he had tried to get up a public meeting before he left, and had failed, for the reason as stated in one of the colonial papers, that the people did not trust him in consequence of his political tergiversations. He would no more admit that Mr. Lowe was expressing the sentiments of the colonists, than their Lordships would be prepared to admit Mr. Cobden, for instance, to be their mouth-piece, if that Gentleman were to accept the Chiltern Hundreds, and go out to the colonies and state that he came there to express the opinions of both Houses of Parliament. The present system of government in New South Wales was exceedingly well adapted to its condition. He was fully convinced of this now, although he did not think so some time ago. But time had shown that it was well calculated for the colony. The Government of New South Wales had acted with more judgment and discretion, and with more enlightened views of the public welfare, than most of our colonies. They certainly stood very high amongst them; and as the constitution worked well, they wished not to have it altered without the consent or wish of the colonists. As the colony should become more opulent, and the society larger, he thought it would be well that a change to two chambers instead of one should take place; and no doubt it would. But his hope was that it would not take place immediately—that for some time things would remain as they were. What he contended for was, that when Parliament had once given a representative government to a colony, it had no right to interfere with that colony to produce any change whatever in the form of the constitution. He had never said that the people of New South Wales preferred the form of government in the Bill as an abstract principle. What he said was, that they were one and all opposed to any change in their form of government, to which they had not themselves assented. But the people of New South Wales, of South Australia, of Port Phillip, and even of Van Diemen's Land, had all declared themselves in favour of the present measure, and against any change in the system of government at present existing. The noble Earl proceeded to read extracts from a petition transmitted to Sir Charles Fitzroy, dated 7th February, 1848, and signed by 3,100 colonists; from a petition from the Penrhyn district, Cumberland county; and from one from the same county signed by the clergy and landholders ; all of which protested against the alteration of their constitution without their previous consent. But he begged attention particularly to the resolution passed by the Legislative Council, in which they complained of the indignity with which they felt that the colonists were treated, by the announcement that a system of government, in which their destinies were involved, had been planned without an opportunity having been given to them of expressing their opinions upon it. And the division which took place upon that resolution in the council showed that there were—Ayes 14, Noes 5. And as a proof that the possession of office did not always destroy the independence of its holders, he might mention that the five "noes" were all members of the executive council. He had, therefore, pretty strong ground for asserting that the people of New South Wales were against alteration, be it good or be it bad, in the existing constitution, which had not been previously assented to by themselves. But the right rev. Prelate not only wished for an alteration in the existing constitution, he wished for such an alteration as had never before been tried in any other colony belonging to this country. The right rev. Prelate objected, and so did he (Earl Grey), to a second chamber composed of nominees ; but he proposed that there should be a second chamber consisting of elected members, and he said there were various ways in which they might be elected different from the first chamber. They might be composed of older men, or they might sit for a longer time, or they might retire periodically at times different from those in the lower chamber. He was well aware of the invention of clever and ingenious persons in framing theoretic schemes of government. But there was one misfortune attending the whole of these plans, that they were all utterly unknown and unheard of in the colonies themselves. He could only say, that to impose such plans upon the colonies without their own consent, he would be no party. He would not be the Secretary of State to send out constitutions of an untried and of a novel kind to be imposed upon the inhabitants, without their consent. And what was the ground for advocating these schemes? Was it that the colonists desired them? The right rev. Prelate had abandoned that ground. But then the right rev. Prelate said, admitting that New South Wales is content with its existing constitution, why should they impose it upon the other colonies? But it so happened that New South Wales was the only colony which had not expressed a strong opinion on the subject. He had read to their Lordships when he introduced the Bill, resolutions agreed to at a public meeting in South Australia, in which thanks were voted to Her Majesty's Government and to himself by name for the measure, and praying that it might speedily pass into a law. At a public meeting held at Victoria, the only feeling expressed was that of regret that the measure did not pass last year. He now held in his hand an extract from a newspaper, which had arrived lately from Melbourne, containing a memorial adopted there, which he hoped shortly to receive officially, in which they hail with satisfaction and delight the intelligence that this measure is about to pass. In Van Diemen's Land the same thing had happened. At one of the largest and most important public meetings ever held in Launceston a petition was adopted and signed by 1,200 inhabitants, expressing their deep concern that the Bill of last year had been delayed, and praying that it may now be passed. He had not yet officially received this petition; but he supposed it was retained in order to receive more signatures. He had also received unofficial intelligence that another petition, to the same effect, was on its way from Hobart Town; and the evidence of this latter petition was the more conclusive, as as much as nine-tenths of it was couched in a tone of severe reprehension of Her Majesty's Government for continuing the system of transportation. But, then, said the right rev. Prelate, the colonists were labouring under such gross inflictions from the present system, that they were grateful for anything that promised a mitigation of it; and he quoted speeches which he (Earl Grey) had delivered in the other House, to show that he was opposed to the interference of the Colonial Office with the local affairs of the colonies. Now there was no opinion he had ever expressed in the other House to which he did not adhere, and on which he had not acted steadily, regularly, conscientiously, during the time he had held office; and he challenged the right rev. Prelate to show in what way he had departed from those opinions. He said there ought not to be any vexatious interference with the colonies; but did he ever say that no authority whatever was to be exercised by the Imperial Government? Did he ever say that they ought to abdicate all Imperial authority? If that were so, he thought the sooner they got rid of their colonies the better, because they were liable to very onerous responsibilities for the defence of those colonies, while they would not be allowed to exercise any general superintending authority to prevent measures being adopted which were inconsistent with the general interests of the British Empire. But there was no occasion for running into either of these extremes. He thought there could be no difficulty, with the exercise of a little good sense and moderation on the part both of those who had to advise Her Majesty at home, and the legislative council in the colonies, to reconcile the most ample measures of self-government in the internal affairs of the colony, with the maintenance of as much authority as was required for the general interests of the empire. The right rev. Prelate said, they could not take such a simple step as the removal of slaughter-houses from the town of Sidney, situated in a semi-tropical climate, without first obtaining the consent of the Government at home. [The Bishop of OXFORD: Hear, hear!] Now really, if the right rev. Prelate chose to discuss colonial matters, at least he ought to obtain accurate information upon the subject. Did not the right rev. Prelate know that from the time this country had a colony with a legislative council, that the Governor had authority to assent to all acts passed by that council, with certain exceptions, which exceptions were practically reduced to the narrowest possible compass. But the Home Government retained, and they must retain, if they were to retain the colonies at all, the power to advise Her Majesty to disallow the Acts passed by the Assembly, although, up to the period of their being disallowed, they came into immediate operation. It was absolutely necessary that this power of disallowing should be retained, for it was absolutely impossible to give a definition beforehand of the cases in which the Crown might give up, and the cases in which the Crown must retain the power of disallowing. He would give an instance in point. The Acts passed by the Legislative Council of New South Wales during the last Session had just come home, and there was only one of those Acts in which, so far as he had examined, he was afraid Her Majesty's assent must be withheld. Now, what did the House suppose was the character of that Act? It was an Act relating to vagrancy. Now, it would appear at first sight that a Vagrancy Act was one of the safest measures of internal regulation that could be entrusted to a local legislature; but the fact was, that it contained a flagrant violation of one of the acknowledged prerogatives of the Crown; and it did so happen, that on looking over the list of definitions which had been proposed in the other House, of what were to be regarded as Crown rights and what colonial rights, not one of the definitions of the prerogatives of the Crown there contained would apply to this measure. The violation of the Royal prerogative consisted in this, that all persons who had ever been convicts, though they might have received a conditional pardon, would be subjected in all time coming to very rigorous restrictions. He said, therefore, it was impossible to define with strictness beforehand what were the cases in which the powers of the Crown should, and in what they should not, be exercised. Further, he would add, that one of the most useful functions which he thought the Home Government could discharge to these infant States, was to give them the advantage of their greater experience, and, with all respect be it said, of their greater knowledge. But he contended that while it was necessary for the Crown to retain this power, no practical grievance arose from it. In 999 out of 1,000 cases, there was little difficulty in saying what Acts should receive, and what should not receive, the Royal assent. Since a representative legislature had been created in New South Wales, 127 Acts had been passed by that Assembly, and of these 127 Acts no more than five had been disallowed; and of these five, if he was not mistaken, the majority were disallowed on technical grounds, and were substantially carried into effect ultimately. Five more had been sent back for amendment; but up to the period of their amendment they were continued in operation. Then they were told that it would be better to allow the Governor unlimited power than that he should be constantly checked and coerced by instructions from home. He supposed this referred to the appointments, for that was the only interference with the acts of the Governor which practically took place. He had the curiosity to inquire what the facts were with regard to appointments in New South Wales since his accession to office. There were four offices with salaries exceeding 200*l.* a year, which the Governor was bound to report to the Secretary of State, and which he could only fill up provisionally. Now, during the four years that he had the honour of presiding at the Colonial Office, he found there had been fourteen vacancies in these offices, and every one of them had been filled up, on the recommendation of the Governor, from among the colonists themselves, while not one of the recommendations made by the Governor had been set aside or overruled. Therefore, during his period of office he had literally not advised or appointed in the case of a single vacancy in the colony, and his only interference had been in approving the appointments made by others. He claimed no merit to himself for all this, beyond his predecessors, because he believed the noble Lord opposite (Lord Stanley) had been influenced by pretty much the same feelings as he was on this subject, and had felt as well as himself, that this country had neither the interest nor the right to interfere where it was not essentially necessary in colonial affairs. When, therefore, he heard so much about interference with the colonies, he should like to know in what the interference consisted? His own opinion was, that there were no people on the entire face of the earth who practically enjoyed so great an amount of unrestricted freedom as these colonists. He might be told that giving the appointment of one-third of the Legislative Council to the Crown, was practically a great exercise of power, but the fallacy of that argument was this: that ninety-nine out of every hundred of the laws of New South Wales referred exclusively to local matters, of which nothing was known in this country until the act was received. Again, when the right rev. Prelate denounced the Government for giving so small a measure of freedom to the colony, he wished to know how divisions were practically carried in the colonial Assembly. In order to ascertain this fact, he had got all the minutes of the proceedings examined for every year except the last, for which the minutes had not been received. He found that there had been 272 divisions altogether, out of which 184 had been carried by a majority of the elected Members. On 73 divisions the majority of the elected members voted in the minority, and on fifteen divisions, the elected members were equal on both sides, and the majority was carried by the nominees of the Crown. He perceived that a gentleman who had lately come over to this country, and whose name had been repeatedly mentioned in the course of this debate, was frequently returned as in minorities of the elected members, converted into majorities by the votes of the nominees. In a very able speech by that gentleman, recently published, he found that one of the great complaints was, that there was so much of political apathy in the colonies. Now of all the tests of good government, be believed that this was the very best, and that when political apathy prevailed, no real misgovernment existed, especially in a country inhabited by Englishmen. But the right rev. Prelate said that one of his reasons for rejecting this measure was, that it contained a clause by which the colonists were enabled hereafter to alter the constitution; and the right rev. Prelate prophesied that embittered conflicts would arise from such a clause being introduced. He thought they might safely postpone this discussion until that particular clause was come to; but as the right rev. Prelate had laid so much stress on the point, he hoped he should be excused if he said a few words upon it. The clause merely reverted to the ancient policy of this country, which was to enable the colonies to work out their constitutions as experience pointed out. Was the right rev. Prelate aware that in no one of the British colonies was the constitution contained in the original charter as finally established; but that in all cases it was worked out by experience and by discussions between the Crown and the colonists? Of the thirteen American colonies, not one had the constitution ultimately accorded to them in their original charters. In Jamaica they practically began with one chamber, because the council appointed to advise with the Governor did not at first sit as a separate chamber, and even at this day the council does not claim the power of originating any bill, whether a money bill or otherwise, though it may amend all bills sent before it. At this moment, with the exception of Canada, there was not one of the colonies that was not free to frame a new constitution for itself, acting in accordance with the Crown. What he had witnessed during the discussion on this Bill more than ever convinced him of the impolicy of tying up too strictly by Act of Parliament the terms of constitutions applicable to future times; and he might add that the grounds on which that policy was urged were very difficult to be comprehended when put forward by those who called themselves the advocates of self-government in the colonies. He did not wish at that late hour to trespass on their Lordships' time, by going through some of the other clauses objected to by the right rev. Prelate; but there were one or two points to which he might be allowed briefly to allude. The right rev. Prelate objected to a power being given to the colonies to summon a federative council. He freely admitted that this formed no vital part of the measure. [Lord STANLEY: Hear, hear!] The provision would only come into operation when desired by the colonists themselves, and on that ground he thought it a most useful one; but if struck out of the Bill he did not see that any very serious injury would be done, the chief evil being, as he conceived, that it would create the necessity of coming back to Parliament at a future period. He thought, however, that it was better to defer the discussion on this subject until the clause came before them. The right rev. Prelate had referred to the provision for the Church in the colonies. With regard to this subject, he might say that he could conceive nothing more important than that they should avoid any false step. He entertained the strongest desire that they should do whatever was practicable to promote the interests of their own Church in the colonies. He was satisfied that to bring that Church into active existence, and to promote its extension and vigorous action, would be attended with the best possible effects; and certainly since he had been in office he had done all that in his judgment was best calculated to promote that result. But if their Lordships really took an interest in the promotion of the Church of England in the colonies, he would call on them to be cautious, in a matter on which the colonists were particularly jealous and sensitive, how they interfered with their legitimate prejudices. If it could be shown that there were restrictions on the Church of England in the colonies, they should be removed, and he, for one, would be found most anxious to remove them. But he had never yet heard what these restrictions were, or how they could be remedied. The right rev. Prelate pointed out cases in which a prelate could not exercise his powers in holding an inquiry into charges against one of his clergy, because the inquiry would not be a privileged one, and those who gave evidence before him might be indicted in a court of law. But that grievance applied equally to the Church of Rome, or to the Presbyterian, or any other Church existing in the colony, none of which could hold an investigation with the protection which the right rev. Prelate thought desirable. But if such protection was to be afforded within the colony, then he would say that it ought to be granted by an Act of the colonial legislature. A very estimable, and, as he believed, very devoted clergyman from Van Diemen's Land now in this country, in writing to him on this subject, distinctly admitted that it would be a proper province for the local legislature to interfere in, but that even with the influence which the Crown possessed in the existing legislature, he did not think an Act with such an object could be passed. He feared that this description was true, and that the feeling prevalent in the colony partly arose, perhaps, from too much having been asked in the first instance. But, if public opinion was in such a state in the colony that the local legislature was not prepared to pass measures of this kind, then he believed their Lordships could take no course more entirely fatal to the interests of the Church of England in the colony than by overriding the local legislature in a matter that was peculiarly within its own province, by the Imperial authority of the British Parliament; and that they should do so at the moment of giving them representative institutions, and thus declaring a jealousy and suspicion of them, would be still more unfortunate and dangerous to the true interests of the Church. When the present system was introduced, a state of the utmost intolerance and religious rancour prevailed in the colony; but Sir Richard Burke succeeded in passing a law by which equal rights were, as far as possible, given to all religions. The consequence was, that the whole of the former religious animosities had been lulled to sleep, while a great increase indeed had taken place in the members of the Church of England. They had merely given the Church of England fair play, and since then it had taken a strong hold on the feelings of the people; and, for the sake of the Church itself, he would ask them not to reverse that policy. He doubted that there were restrictions in the case of the Church of England that did not apply equally to other religions; but if the fact were so, they must necessarily apply to all the colonies, and ought to be removed by a general Act, and not by a provision in a measure referring to the Australian colonies alone. It was a question of extreme difficulty, for it would be an aim of no easy accomplishment to conciliate the degree of liberty that was to be left to the Church of every individual colony, and the maintenance of union with the Church of England at home. If the right rev. Prelate would suggest a measure for the purpose he had mentioned, he (Earl Grey) could assure him that it would receive the earnest and deliberate attention of Her Majesty's Government, who would be extremely glad if they could relieve the Church of England in the colonies from any difficulties and embarrassments under which she might labour. But they should be very careful of establishing a distinct and separate system of ecclesiastical administration for each colony, or of severing the ties which united them with the Church of England at home. He should conclude by most earnestly entreating their Lordships not to throw out this measure by adopting the Amendment proposed, nor to dash away from the lips of the colonists the cup just held out to them, and at the moment they expected a measure on which their minds were most anxiously set, by postponing it to another Session.

Lord STANLEY: I do not think there was any necessity for the noble Earl who has just spoken to apologise for having followed the lengthy and able statement of the right rev. Prelate opposite, or to apologise for the time which he has occupied in addressing the House; for, often as it has been my lot, and it may be again, to differ from the noble Earl, I cannot refrain from offering the testimony of what I feel with regard to the ability, clearness, and temper of the manner in which he has just addressed the House. I am not about to allude to the details of the measure, or to the clauses which the right rev. Prelate proposes to introduce, because, not knowing the nature of them, I feel the difficulty referred to by the noble Earl, of inclausing in a Bill of this nature any provisions with respect to the Church of England in the colonies. I have, therefore, felt satisfaction in hearing that the Government are prepared to consider the question—for undoubtedly it is a most important one—in a spirit of friendly improvement. The noble Earl has been good enough to hand me some papers to which he had alluded, with the view of showing the favour in which the Bill is regarded in the colonies; but I find that the points which met the approval of the colonies are the separation of Port Phillip and New South Wales, and the establishment of a separate legislature for Port Phillip. And, my Lords, the papers go on to say that if, in the consideration of the subject, it should be found impossible in this Session of Parliament to deal with it, the colonists pray that the portion of the law may be passed which separates Victoria from New South Wales. They then go to another important point, omitted from the consideration of the Bill of the Government, I mean the consideration of the franchise. The original law in this respect has been defective, for persons owning a large amount of property in the colony have not the privilege of the franchise, because they do not happen to be freeholders. The qualification as it exists is a very high one. It was based upon the high prices of 1842, and has not been altered in consequence of the low prices which have since prevailed. The noble Earl who has the Bill in charge appears to be himself of opinion that the federal portion of it is not absolutely essential. [Earl Grey dissented.] Well, then, it appears that the noble Earl looks on every portion of his Bill with equal fondness; or, if there be any part of it which he regards with peculiar tenderness, it is—as in the case of parents who love with especial fervour the child whose person is the least attractive—that particular portion which everybody else is disposed to regard with the smallest favour. However, I am not disposed to offer any factious opposition to this measure. If the noble Lord will consent that Port Phillip shall be separated from New South Wales—if he will extend to Van Diemen's Land and the other colonies the existing institutions of New South Wales—if he will not take out of the hands of Parliament the power to make such arrangements with respect to the institution of a double chamber as may hereafter appear desirable—if he will make such amendments in the existing law as experience may prove to be expedient—I do not see that there will be any necessity for referring this Bill to a Select Committee. On the contrary, I, for one, will give my concurrence to the measure without further objection. But I confess that I do see evils and defects in this measure, which, unless they be remedied, will be more than sufficient to counterbalance all that it contains of good. I object to the introduction, without adequate information, of the principle of a federal constitution. I object most strenuously against that provision of the Bill which will enable the Queen, or Her Minister for the time being, on the application of any of these colonies, to establish, at any moment he may think fit, a federal constitution and government, thereby abdicating, and altogether abrogating, the legitimate authority of Parliament. I object to the 35th clause from the beginning to the end, for I believe that nothing can be more unconstitutional in principle, or more mischievous in operation. Now, the power proposed to be given to the single chamber to be formed under this Bill, simply that of introducing trifling amendments in the franchise, or small alterations in the amount required, in order to constitute a qualification, I should not be disposed to take exception to it; but I certainly am not prepared to place in the hands of any single legislative body of any single colony in the world so extravagant a power as that of determining whether there shall be one or two legislative chambers, or whether the element of appointment by the Crown shall be set aside in the composition of the single chamber. This was a power which he would be unwilling to entrust to any single legislative body of any single colony in the world, but least of all would he entrust it to a legislative body confessedly imperfect—a body from whose ranks were excluded a large portion of the most respectable members of the community it represented. It is all very well to say that the single chamber shall be invested with a power to cause the formation of another chamber. I believe I am warranted in saying that there is no instance on record of a single chamber having volunteered to abdicate its power for the purpose of interposing, if not a monarchical or aristocratic, at least a conservative check to the democratic tendency of the chamber itself. I do not object to the continuance for the present of the colonial constitution as it now works in Australia; and though I am free to confess I only regard it as in a state of transition, I look forward to a double chamber as an improved mode of legislation to be adopted whenever the colonists are fit for it; but for the present I am content that the present constitution should be continued, provided the Government and the Parliament be not deprived of the salutary control which they are now permitted to exercise over it. This power should, I think, be reserved to future Parliaments as it is now left to the present; but I certainly do think that there ought not to be allowed to the colonists a power more formidable still than that of legislating for themselves—the power of legislating for their future constitution and fundamental laws. I am fully sensible of the difficulty of drawing the line of demarcation between local and imperial concerns; but the question, however difficult, ought to be examined and determined; and certain I am that it would be much better to give the colonies a more unrestricted freedom with regard to all matters of a purely local character than to allow them the dangerous and obnoxious privilege of altering their constitution. The noble Lord concluded by stating that, if the clauses from 30 to 35 inclusive were omitted, he would take the remainder of the Bill as it stood, and would endeaver to prevail upon his right rev. Friend the Bishop of Oxford not to press his Motion for a Select Committee to a division; but if it should be contemplated to pass the Bill in its present most unconstitutional shape, he should certainly feel it to be his duty to offer it an uncompromising opposition.

Lord LYTTELTON said, he should wish to make some observations on the general principle of the Bill; but he should prefer postponing them until after the Bill had been committed.

Earl GREY reminded the noble Lord that he would be out of order in speaking on the general principle of the Bill in Committee. He had better make at once any observations he might wish to offer on the subject.

Lord STANLEY rose and asked whether the noble Earl opposite could not find it consistent with his duty to give him (Lord Stanley) such an assurance as would at least enable him to abstain from voting, if it would not preclude the necessity of a division.

Earl GREY feared he could give no such assurance as that required by the noble Lord. On the contrary, he felt bound to maintain the Bill in its present shape. The proposal for expunging the clauses from 30 to 35 was a very serious question. The noble Lord had accepted the first 30 clauses. His (Earl Grey's) own opinion was decidedly in favour of retaining the clauses proposed to be omitted; but still if their Lordships were to overrule him in that opinion, he should not consider that as a necessary reason for abandoning the Bill. But as the noble Lord had proposed that five clauses be absolutely struck out, it would be more convenient, before the House decided on rejecting the Bill on account of those clauses, that there should be a discussion upon them in Committee. He would, therefore, suggest that their Lordships go into Committee.

Lord STANLEY said, that the noble Earl must not infer that he approved of the first 30 clauses of the Bill, for there was one provision, relating to which his noble Friend near him had given notice of an amendment, to which that would not apply; he meant the establishment of a double chamber in New South Wales. Until he knew the views of the Government, he could not give an assurance that he would not join the right rev. Prelate, and his conduct would be further influenced and altered with respect to the Amendment of his noble Friend, if the clauses from 30 to 35 were to be still retained.

Earl GREY said, that the best course would be to proceed to a division. But at the same time he hoped the noble Lord would remember that this was a Bill of great importance—that at least great responsibility was incurred in the rejection of it.

On Question,

Their Lordships divided:—Contents 21; Non-Contents 34: Majority 13.

List of the Not-Contents.

ARCHBISHOP.
York

DUKE.
Norfolk

MARQUESSES.
Anglesey
Breadalbane
Donegal
Lansdowne

EARLS.
Bessborough
Carlisle
Chichester
Cowper
Granville
Grey
Harrowby
Minto
Morley
St. Germans
Scarborough
Waldegrave

BISHOPS.
Down
Limerick
Manchester
St. Asaph

BARONS.
Ashburton
Byron
Campbell
Camoys
Dufferin
Eddisbury
Elphinstone
Erskine
Foley
Howden
Lovat
Say and Sele

Resolved in the *Negative*.

Then the original Motion was (by leave) withdrawn; and House to be put into Committee to-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 10, 1850.

Minutes.] Public Bills. — 1ª Tenant Right (Ireland); Accidents on Railways; Administration of Criminal Justice Improvement.

2ª Summary Jurisdiction (Ireland); Turnpike Roads (Ireland); Linen, &c., Manufactures (Ireland); Population.

3ª Judges of Assize.

POST OFFICE.

Sir G. GREY appeared at the bar, and said that the Address which had been agreed to on the subject of Sunday labour in the Post Office had been presented to Her Majesty, and the following was Her Majesty's most gracious Answer:—

"I have received your Address, praying that the collection and delivery of Letters may in future entirely cease on Sunday in all parts of the Kingdom; and, also, that an inquiry may be made as to how far, without injury to the public service, the transmission of the Mails on the Lord's Day might be diminished, or entirely suspended; and in compliance with your request, I shall give directions accordingly."

Mr. THORNELY begged to put a question to the noble Lord the First Minister of the Crown with reference to this important subject. He wished to know whether there would be any exemption in favour of the foreign correspondence of the country? Suppose a packet from America arrived at Liverpool yesterday with some ten or twenty thousand letters. Under present circumstances those letters would be sifted in the Liverpool post-office late last evening, to be sent up by the mails, and would be delivered this morning in the metropolis, containing perhaps 100,000*l.* worth of bills of exchange, stocks to a great amount, and letters of the greatest possible consequence. He wished to know whether there would be any exemption in favour of such letters lying at Falmouth, Southampton, and other places?

Lord J. **RUSSELL** said, that with respect to the delivery of letters, the directions to be given by Her Majesty would be in accordance with the orders of that House, and therefore there would be no exemption with respect to the delivery of letters. With respect to the transmission of letters, the Address only proposed inquiry.

Mr. M. **GIBSON** desired to put a question with regard to the answer to the Address. He had only heard the words "collection and transmission." [Sir G. Grey: And "delivery."] He presumed that in post-office language, the word "collection" meant bringing the letters from the branch offices. Although the collection of letters in the large towns might be put a stop to by the Government, he presumed it did not follow that letters put in the chief office would not be transmitted. He supposed there was no intention to prevent the sending letters from the principal towns on the Sunday evenings, although the collection might be stopped.

Lord J. **RUSSELL** presumed that the right hon. Gentleman referred to the transmission of letters; but what the Government wished to do was, to carry into effect the orders of that House. It was not for him to say whether any advantage would be derived from the arrangement.

Mr. M. **GIBSON** said, he supposed, although no mention was made of the circumstance, there would be no alteration with regard to Sunday newspapers.

Subject dropped.

SUPPLY—NEW HOUSES OF PARLIAMENT.

(4.) 103,610*l.* for the New Houses of Parliament.

Mr. **HUME** said, the object of his Motion was to put an end for the present to the proceedings of the Committee of Taste. But he had also another Motion on the paper, for the appointment of a Select Committee to inquire into and examine the various reports, statements, and plans of the architect relative to the New Houses of Parliament. He was aware that he was undertaking an unpleasant duty in submitting these Motions to the House; but he had been requested by several Members to do so; and it was evident that if something was not done, there would be no limit to expense. He did not grudge the expenditure of a proper sum of money for a House of Parliament which would afford due accommodation to its Members; but seeing the enormous sums that had been already expended, and that proper accommodation had not been provided, it was full time that the House of Commons should interfere to prevent further waste of money. He would give a *précis* of the proceedings which had taken place, from which it would be abundantly clear, that if adequate care and precaution had been taken, such extraordinary delay would not have taken place, and they would not have incurred an expenditure of 2,000,000*l.* instead of 724,986*l.*, which was Mr. Barry's estimate. If there was to be an end of expenditure even at 2,000,000*l.* it would be some satisfaction; but no person could tell how much beyond that amount would be expended. It was their duty, therefore, to require a definite statement as to the further expenditure that was likely to be incurred. None of the requisites which had been pointed out by the Committee of 1835, had been carried out. They required that there should be sitting room in the body of the House, for from 420 to 460 Members, with accommodation for the remainder in the galleries. Well, they had been sitting in the New House, and instead of accommodation for 420 or 460 Members, there was not accommodation for anything approaching that number. The lobbies were required to contain—one 1,800 feet, and the other, 1,100. They had an opportunity of testing the accommodation afforded by them in case of a division. They had a division in which 287 Members divided, and he would appeal to hon. Gentlemen if the lobby was not crowded to an inconvenient degree. They might thus judge of the inconvenience when a full House divided, and he had seen an occasion in which 500 Members had divided on one side. It was likewise considered of importance that there should be accommodation for 200 strangers in one or more galleries at the end of the House. But he would appeal to hon. Gentlemen if that part of the House was not required for the accommodation of its own Members? The 11th resolution of the Committee of 1836 was, that there should be 10 Committee rooms about 40 by 30, from 18 to 20 feet in height; ten, 35 by 25, from 16 to 18 feet in height; ten, 30 by 20, from 14 to 16 feet in height. He would leave hon. Gentlemen who had sat in these rooms to speak of the accommodation which they afforded. It was evident that the accommodation in the three points he had mentioned was deficient. The principal men in the House at that time sat upon the Committee which drew up these resolutions; and when Mr. Barry's plan had been adopted, the Committee stated that they did so "on the express understanding that it could be executed for a sum not exceeding, by any considerable amount, the estimate submitted to them by Mr. Barry—that was to say, 724,986*l.*" Now, he (Mr. Hume) had some reason to doubt the accuracy of Mr. Barry's estimate, for he had written to Mr. Hodgson, the eminent contractor of Bloomsbury, requesting his opinion of it, and Mr. Hodgson informed him that the expense would amount to 1,100,000*l.*; and when Mr. Barry amended his plan, he calculated the expenditure at 1,300,000*l.* On the 13th of June, 1836, he (Mr. Hume) presented a petition from eighteen to twenty architects of the metropolis, in which it was stated the building would not be executed for less than 2,000,000*l.*, and that they founded their calculation on the expenditure of Henry VIIth.'s Chapel, to which Mr. Barry's plan nearly approached. Accordingly a Committee, of which the right hon. Member for Harwich was chairman, was appointed to inquire into the subject. He (Mr. Hume) put the following questions to Mr. Barry during the course of that inquiry:—

> "Q. 170. What is the amount of your estimate, including everything?—724,986*l.*, exclusive of the site. 172. It is the maximum estimate, applying to the building only. 184. Ventilation is included in the plan.
>
> "Q. 211. You have been making an estimate of this building: have you done it yourself, or employed competent persons to do so?—I have done it myself, and employed competent persons to assist me.
>
> "Q. 217. Have the calculations been made from the plans which are upon the table?—They have.
>
> "Q. 218. The amended plans?—Yes.
>
> "Q. 272. Then are the Committee to understand that the estimates that you have given in are on that general principle that you have stated, as to the quantity and the amounts, such that you can rely upon?—Yes.
>
> "Q. 290. May I ask you, strictly speaking, what style you consider this building to be?—It is of the third syle of Gothic architecture, including the Tudor period.
>
> "Q. 404. How long would it take a person to make a detailed specification, and the working drawings, so as to enable a correct estimate to be formed of the whole building?—At least a twelvemonth.

The Committee made the following report:—

> "The Committee are not satisfied on the head of expense; and before any part of the building be commenced, or any vote be proposed to Parliament, there should be the most minute and accurate estimate that can be formed."

It was then referred to the Commissioners of Woods and Forests to inquire into and report upon Mr. Barry's plans and estimates. That report was made on the 18th of April, 1837, and was signed by Lord Duncannon, B. C. Stephenson, and A. Milne. The gentlemen appointed by the Commissioners of Woods and Forests to examine the estimate were Messrs. Seward and Chawner, architects; and they reported "That the new Houses of Parliament can be satisfactorily erected, according to the said drawings, for the sum stated by Mr. Barry (707,104.)" This was exclusive of the proposed embankment of part of the river Thames, the estimate of which was 44,000*l.*, and the purchase of the site, &c., which was estimated at 85,000*l.*; making a total of 129,000*l.*, which was to be added to the 707,104*l.* It appeared that a great many deviations had been made from the plan, whether on the motion of Mr. Barry himself, or at the suggestion of some other person or persons, he did not know; but it was full time for them to see that some limit was put upon the expenditure. He had been informed that very day that it was intended to take down all the buildings on that side of the bridge next to the new Houses, not to speak of the courts of law, and thus one thing would lead on to another, heaping up the expenses more and more, unless some control was established. He found in a paper published by one of the Commissioners (Lord Sudeley) in 1844, some remarkable statements as to the deviations made from the original plan with reference to the House of Lords. According to that paper, the original way by which the Queen's state carriage was to pass through the great tower, had to be materially altered by Mr. Barry. A pillar had to be removed in consequence of the passage not being wide enough; and the Queen's carriage, instead of going out by the way at first intended, was now to go by a subterranean tunnel—a passage of only nine feet in width. But as the width of Her Majesty's carriage was eight feet nine inches, he thought there would be some danger in passing through. If any person happened to be in the passage, he could not well escape being crushed. He was astonished that any Government could allow these things to go on in this manner. He was not authorised to blame Mr. Barry; Mr. Barry might have authority for what he did. He did not mean to cast the least reflection on the eminent talents of Mr. Barry. He was ready to acknowledge his taste and imagination. He only meant to say, that having undertaken to make a House of Lords and Commons, he failed to do that. It was not many days since that Mr. Barry had received a gold medal from the Institute of Architects; and he begged to call the attention of the House to the language used on that occasion by Earl de Grey, one of the Commissioners appointed to control Mr. Barry. Earl de Grey said—

> "We read that your predecessor, Sir C. Wren, himself laid the first stone of that superb edifice St. Paul's Cathedral, which is now the greatest monument of his genius; and I trust the same good fortune will await you. May you live to see the magnificent work now in your hands completed! St. Paul's was thirty-four years in its erection; you have not occupied half that time as yet—and have made a progress which, if it had depended on yourself, would have brought the Houses of Parliament nearly to a completion; but the means of working have not been at your disposal. Your work is to be devoted to I know not how many purposes. Sir C. Wren had to deal with men who knew what they wanted. Sir C. Wren, no doubt, received his instructions from men who knew the purposes to which the building was to be dedicated, and what was required to carry it out; but, I am sorry to say, that is not always the case with respect to the building entrusted to you. Sir C. Wren's masters were few —yours are legion. I am sorry to say, that august assembly which has most to do with the erection of this magnificent structure has in it a vast number of men who ask questions, make suggestions, and offer criticisms, while, at the same time, they do not know what is wanted, or, indeed, what they want themselves. It is not wonderful, then, that the architect should be impeded, and that fault should be found without any good substantial ground. And yet you have made a wonderful progress, &c. I have said the purposes to which it is to be applied are multifarious—there are wide and gorgeous palace halls, long corridors, short passages, lowly doorways, magnificent entrances, aspiring towers, groined staircases, every class of residences, porters' lodges, committee-rooms, offices, and even kitchens. As one of the Fine Arts Commissioners I have had more opportunities than, perhaps, any of his professional brethren, of seeing how cleverly and how readily Mr. Barry was able to make the suggestions he received from parties he was obliged to obey harmonise with his own conceptions, and thus preserve intact the beauty and unity of the original design.

Now, he left it to them to say whether that was or was not a fair description of the conduct or proceedings of that House. His (Mr. Hume's) object was to ascertain who the parties were, and by what sanction and authority the expense of erecting the building had been increased from 724,000*l.* to over two millions. It might turn out that Mr. Barry might be able to clear himself from all those charges, as he (Mr. Hume) wished he might, because it was through no personal or hostile feeling to Mr. Barry that he brought on the Motion, but because he conceived the House was bound to have a full and candid detail of every expense connected with the undertaking. He called on them, then, to disallow the 3,000*l.* to the Commissioners of Fine Arts for one year; because by stopping the supply they would prevent their proceeding further until the building itself should be in a condition to be used, and then they could see whether or not the money ought to be voted. He therefore called for inquiry into this, as it appeared to him, inextricable difficulty; and he hoped the House would support his proposition.

Amendment proposed, to leave out the "10" and insert the sum of "100,610*l.*"

MR. B. OSBORNE seconded the Amendment.

The CHANCELLOR OF THE EXCHEQUER was not sorry that this Amendment had been brought forward, or the statement made by the hon. Gentleman, into which he had so fully entered; but he was sorry that he should have made that statement with reference to the whole question of the New Houses, when his Motion referred to a subject totally distinct—namely, whether they were to stop the proceedings of the Fine Arts Commission? This was the sole object of the hon. Gentleman's Motion; but nevertheless he had gone into a long statement with reference to the building of the New Houses during the last 15 years. He was sorry for the sake of the House, that he should have introduced these totally distinct subjects into one debate; but he hoped that the House would not accede to the Motion which he had made. It should be remembered that the House, on the recommendation of a Committee, came to a resolution that a good opportunity of benefiting and promoting the fine arts would be found during the time of building the New Houses of Parliament. That was determined on many years ago; and it was a determination which had been acted on ever since. It was only last year that an arrangement was announced to the House, which received its unanimous approval—namely, that instead of proposing year by year the various objects on which the expenditure for the fine arts was to take place in the ensuing years, thus constituting themselves into what they were remarkably ill fitted for—a Committee of Taste—a certain limited sum should be annually placed at the disposal of the Commissioners of the Fine Arts for that purpose. And, certainly, though the hon. Gentleman might differ from the views taken by the Commissioners of Fine Arts on certain points, yet, on the whole, that was a more satisfactory mode of dealing with such questions than making them, in that House, the subject of interminable and unsatisfactory discussions. Last year, the sum placed at the disposal of the Commission was 4,000*l.*; and, anticipating a similar sum for the present year, the Commissioners had entered into arrangements with artists for works to be placed in the New Houses; some of these works had been executed, and were ready to be handed over; and if the House of Commons now withheld this vote, he need hardly say that an act of injustice would be done both to the Commissioners and to the artists. Therefore, whatever resolution the House might choose to adopt with respect to such votes in future years—whether or not they wished to put an end to all expenditure on account of the fine arts—so far as this vote of 4,000*l.* for the present year was concerned, they could not refuse it without being guilty of great injustice. Now, though it was a little inconvenient to go into those matters connected with the New Houses generally which the hon. Gentleman had introduced, he, nevertheless, would take that opportunity to address a few words to the House on the subject. He certainly thought it would have been better if the hon. Gentleman had waited till he (the Chancellor of the Exchequer) was able to lay on the table a return which would have given the House information as to the whole state of the case—how far the estimates had been exceeded, what deviations had taken place from the original plan, and such other particulars as would have enabled them to come fully prepared to the discussion of the subject. From statements made by the hon. Gentleman, it might almost be implied that we had actually incurred an expense of 2,000,000*l.* for purposes within the estimate; but, in fact, the whole amount expended for purposes included in the estimate, with all the expenses of the deeper foundations and similar matters which could not be foreseen, was about 900,000*l.* Then he talked of the additions to the plan as having been attended with an enormous extra expense, whereas the addition to the plan ultimately approved of cost exactly 20,000*l.* It was quite true that in 1837, after minute inquiry, a plan was decided upon, the estimate for which, so far as buildings were concerned, amounted to 724,000*l.*, including the architect's commission and some other items of a similar kind. The actual estimate for buildings was 682,000*l.*; but the hon. Gentleman spoke of all expenditure, other than that, as if it formed part of the original estimate. Now, it did no such thing. When the original estimate was made, it was distinctly stated that there were many other purposes for which expenditure must be incurred in addition to those estimated for—such as the cost of site, the river wall and embankment, carrying the foundation to an extra depth, sewers, and so on—those which he had named amounting to about 183,000*l.* The House would see, therefore, that a large expenditure was necessarily incurred for purposes not included in Mr. Barry's estimate at all. Previous to 1844 some alterations had, no doubt, been made; but the Committee which sat that year reported that though they had been made without proper authority, they were nevertheless great improvements, and they entirely approved of their being made. And here he was reminded of what the hon. Gentleman said about the removal of a pillar to make room for the Queen's coach. It was true that a plan had been made such as that to which he referred, including a pillar, but it never appeared in the approved plan, so that the pillar could never have in fact existed. As to the operations which had led to the extra expense, they arose from circumstances over which Mr. Barry had no control. The additional expenditure arose from improvements which were afterwards sanctioned by the Committee of 1844, or for purposes which had been sanctioned by the Commissioners of the Land Revenue, and by the Commissioners of the Treasury. For example, he found that for a supply of water, temporary buildings, and other incidental expenses, there was an additional expense of 23,000*l.*, and for a better description of stone, the substitution of metal for wooden sashes for the windows, and other items, 82,000*l.* Then there was an extra cost owing to the change of circumstances and the delay that had taken place, amounting to 68,000*l.*, making, altogether, 173,000*l.* This was over and above sums not included in the original estimate, such as the expense of the site, the extra foundation and the river wall, &c., which was 183,300*l.* Now, surely, there was no blame attachable to Mr. Barry that in his original estimate, he had not included things which formed no part of the buildings, nor was it fair to say that such things were included in the original estimate. His hon. Friend had spoken of the time which had been occupied. No doubt the works were continued much longer than had been anticipated by Mr. Barry, though through no fault of his; but it should not be forgotten that in many items this delay had led to much additional expense. Take the article of iron, for example, which had greatly increased in price while the operations were going on, and it would be found that in consequence of the delay a sum of 68,000*l.*, as he had already stated, had been incurred. Then, for warming and ventilating the buildings there were several items of expenditure resolved on after the original estimate was made, amounting to 120,000*l.* In consequence of these alterations further fire-proofing was rendered necessary in order to protect the buildings from the danger thereby incurred, and these led to an expense of 80,000*l.*, making, under these three heads, a sum of no less than 200,000*l.* But surely this could not be put down as the fault of Mr. Barry. In the original estimate, there was no allowance for fixtures and furniture and some other matters, amounting to 500,000*l.* Including everything that could fairly be charged on the original estimate, the additional expense incurred was 230,000*l.* The original estimate was 682,000*l.*, besides an addition to the plan of 20,000*l.*; and the excess consisted of supply of water, temporary buildings, &c., 23,000*l.*; improvements by means of better stone and other articles he had mentioned, 82,000*l.*; the cost caused by the loss of time, chiefly by the increased price of iron, 68,000*l.*, and a sum of 37,000*l.* put down for contingencies. Then the charges produced by innovations upon the original plan were for cost of site, river-wall, embankment, &c., 183,000*l.*, and for warming, ventilating, and fire-proofing the buildings, 200,000*l.*; furniture and fixtures, 500,000*l.*; approaches, if ever made at all, 32,000*l.*; taking down St. Stephen's Chapel, 3,000*l.*, restoring the crypt, 22,000*l.*, and the architect's remuneration, 75,000*l.* This, including the sum of 912,000*l.*, which was the amount expended for purposes included in the original estimate, and those added to it, made a total expenditure of 1,927,000*l.* It would be much more convenient if the House were to abstain from taking any steps till put into possession of the information which would be laid before it. The hon. Member for Montrose adverted also to the accommodation in what was called the New House of Commons. A morning sitting would be held there to-morrow, and an evening sitting in the course of the week. In order to enable Members to come to some unanimous opinion, it was not undesirable that a Committee should be appointed on that subject. There was not the same objection to such a Committee as to one on the whole works; and he felt confident that the information it would be his duty to produce, would obviate the necessity for any general inquiry. [Mr. Hume said, that if the right hon. Baronet would consent to the appointment of a Committee, he should be quite satisfied.] He did not think it desirable that a Committee should be appointed to rip up all that had been done since 1836; but it might be advisable to have a Committee appointed for the minor purpose of inquiry into the accommodation in the New House of Commons, and ascertaining how far it was adapted to meet the wishes of, he did not say all, but a great majority of the House.

Sir R. PEEL said, he apprehended the practical question on which the hon. Member for Montrose intended to take the opinion of the House was the vote of 3,000*l.* which it was proposed to apply to the decoration of the two Houses. Before adverting to that topic, he wished to say a few words on that collateral point to which the hon. Member devoted nine-tenths of his speech. The hon. Member referred to an address made by Earl de Grey to Mr. Barry in presenting him, at the Institute of British Architects, with a medal, in admiration of his genius, and approbation of his conduct. He (Sir R. Peel) rejoiced that Earl de Grey had made that address—had taken the opportunity of recording the estimation in which Mr. Barry was held by the architects of this country. His noble Friend did not act against the House of Commons or its recorded sentiments; but he had a perfect right to entertain his own opinions; and the House of

Commons ought not to be so critical with respect to expressions of opinions. They were not exceedingly reserved themselves in expressing condemnation, and they ought not to be fastidious in objecting to the course pursued by any one who, on a fit and proper occasion, gave expression to his views. But his noble Friend Earl de Grey might have found in the report of 1844 an expression of opinion on the part of the House of Commons, that if there had been an alteration in the original plan, Mr. Barry was not responsible. In that report it was expressly stated that the Committee, having examined various persons with respect to the course hitherto adopted by Mr. Barry in regard to alterations in the interior arrangements, imputed no blame to Mr. Barry, and declared that they "had every reason to believe all the alterations hitherto made had conduced to the convenience and general effect of the building." In 1844, then, there was a complete acquittal of Mr. Barry by that Committee appointed by the House of Commons. Earl de Grey referred to various changes of opinion which had taken place, and said Mr. Barry had met with critics who did not understand their own mind. The hon. Member for Montrose was one of the main suggesters of alterations; and, therefore, he ought to be especially chary of impeaching Mr. Barry on the ground that alterations had been made. The evidence of the Earl of Bessborough, then First Commissioner of Woods and Forests, referred to the original plan of Mr. Barry, and showed, if deviations had been made, and expenses incurred on account of them, that Mr. Barry was not responsible. But certain Members of the House of Commons, thinking important alterations might be made for the more convenient accommodation of Members, and the residence of persons connected with the House of Commons, suggested modifications of the original plan. The Earl of Bessborough said the first deviation was providing a house for the Sergeant-at-Arms. Being asked if he could state when that was proposed, he replied, "During the sitting of the Committees of both Houses which altered the plan of 1836. I can speak to that from a conversation I had with Mr. Hume." He (Sir R. Peel) read that evidence in vindication of Mr. Barry and of Earl de Grey, who, having expressed approbation of Mr. Barry, had incurred the censure of the hon. Member for Montrose. He should have read it, if only to convince that hon. Member that he ought to be tolerant of the opinions of others. A plan was offered by Mr. Barry, among other competitors, and adopted. [Mr. Hume: And altered.] It was altered in 1836, and again at the instance of the hon. Member. From the Earl of Bessborough's evidence it appeared that the Treasury consented reluctantly, and that the noble Lord himself had objected in consistency with the advice of Sir B. Stephenson, who said, if they once consented to make alterations, more would be suggested. But who overruled that opinion? "I recollect," said the Earl of Bessborough, "Mr. Hume coming to me, and stating that it was absolutely necessary the Sergeant-at-Arms, who had charge of the House, and so had a great responsibility for so large a building, should have an apartment." Lord G. Somerset inquired in what character did Mr. Hume make such applications? The answer of the Earl of Bessborough was, that he made the applications as a member of the Committee. Being asked if he acceded to the representation of the hon. Member, the Earl of Bessborough replied, "I assented to it, but with very great reluctance. I got the consent of the Treasury, but they objected very much." Here were these two reluctant departments consenting to new buildings and fresh expenditure in consequence of the suggestion of the hon. Member who now asked the House to curtail the vote for the New Houses of Parliament by 3,000*l.* It might be questioned whether it would not have been better had the Woods and Forests resisted the fascinations of the hon. Gentleman. When the Earl of Bessborough was asked whether Mr. Hume stated the suggestion as his own opinion or as that of the Committee, the answer was that the hon. Member described it as the general opinion. [Mr. Hume: Who was the chairman?] Who was the chairman? It was not, he believed, the hon. Member for Montrose. Every precaution, however, was taken by the departments, and this question was asked, "Mr. Hume was not the chairman of the Committee, was he?"—"No, he was not." That made the conduct of the hon. Gentleman still more improper then. He was very sorry to make this exposure of the hon. Member. He (Sir R. Peel) was anxious to have stated to the hon. Member before he brought on his Motion, in what a strait he was placed by his conduct with respect to this suggestion. The witness stated "he was not chairman of the Committee, but I think he said that it was the opinion of the majority of the Committee." [Mr. HUME: That's all very well.] If the hon. Member denied it, he (Sir R. Peel) could only say that he was quoting from a Parliamentary document, and it was quite sufficient to vindicate his noble Friend Earl de Grey from any reflections upon his conduct, and to show that Mr. Barry ought not alone to bear the blame of these alterations. Some observations had been made with respect to the inconvenience of divisions in the new House. He (Sir R. Peel) had a similar impression that the mode of taking divisions in this House was more convenient. But Mr. Barry was not responsible, for the Committee appointed in 1836 considered the principle on which the New House of Commons should be constructed, and they expressly recommended that the New House should not be so long as the present—in which he thought they made a mistake; the defect was its breadth relatively to its length. It would have been more desirable to afford accommodation in the centre of the House than in the gallery, and to have had its proportions more resembling those of the present House. But Mr. Barry for that was free from blame. He offered a plan, which was submitted to the Committee, and the Committee recommended that the House of Commons should be broader, and that the length should be curtailed. They expressly recommended an apartment on each side of the House of Commons in which divisions should be taken in the very matter Mr. Barry had provided. The House of Commons must, therefore, adopt the whole blame with respect to the construction of the New House. The right hon. Gentleman the Chancellor of the Exchequer had acted prudently in proposing, before new alterations were made, or fresh expenses incurred, that there should be a Committee of the most experienced Members appointed with the view of ascertaining what alterations might be necessary. So much with respect to the House of Commons. As regarded the particular vote on which the hon. Member for Montrose intended to take the opinion of the House, the House of Commons appeared to have a short memory in these matters. They thought they were going to revise an act of the Crown—to express disapprobation of the course pursued by the Crown with respect to both Houses of Parliament. The House was perfectly at liberty to do so. If they did not think the Commission of the Fine Arts appointed by the Crown the proper tribunal to decide on the matters committed to its charge—if they thought the House of Commons should withdraw the vote altogether, they were perfectly at liberty to do so. If they thought all the great artists of the country—many of whom had been brought into prominence by the competition which took place under the auspices of the commission—ought to seek encouragement elsewhere; if they thought it necessary to mark their disapprobation of the delay which had taken place, or their anxiety to promote economy by withdrawing the grant, they were perfectly at liberty to adopt that proceeding. As a member of that commission, so far from deprecating such a step, he should be heartily glad to be relieved from the duties, particularly if it were intimated that the commission had not the confidence of the House. But no step had been taken by the Executive Government, or by that commission, except in the belief, and the justifiable confidence, that the Commission and the Government were acting in consonance with the views of the House of Commons. That commission was issued solely in consequence of an unanimous recommendation of a Committee appointed to consider whether it was not fitting that the opportunity should be taken for constructing that magnificent building to promote the fine arts. He should feel it to be his duty to put it beyond all possibility of doubt, that the acts done had been so in consequence of the sanction and recommendation of the House of Commons. In 1841, during the Government of Lord Melbourne, a Committee was appointed on the 6th of May, to consider the promotion of the fine arts in this country, in connexion with the rebuilding of the New Houses. That Committee came to a unanimous report; and, strange again to say, one of the Members of that Committee, thus making a unanimous report, and compelling the Government to undertake the consideration of the subject, was Mr. Hume. What did the Committee recommend? They said they had examined several distinguished professors and admirers of art, who were unanimously of opinion that so important a national work afforded a fitting opportunity for encouraging, not only the higher, but every subordinate branch of the fine arts in this country; mouldings, design in the most extensive signification of the term, the manufacture of ornaments in brasswork,

&c. Everything relating to the fine arts was comprehended within the scope of the Committee's recommendation. It was the House of Commons which recommended that a department of the Government should be solely responsible for carrying out the measures which the Committee's report contemplated. It was thought right to take a collective and united view of the whole question. The Fine Arts Commission thought they were acting in deference to the authority of that Committee when they asked the Treasury to intrust them with the expenditure of an annual vote, in order that they might ascertain to what extent the ingenuity, talent, and industry of this country might be employed. The Committee observed that doubts might be entertained with respect to the encouragement of fresco; some might think it a foreign taste; but the commission did not encourage fresco painting without their understanding that it was the wish of the House of Commons that that mode of painting should be tried. The Committee observed that it had been lately revived on the Continent, and tried, especially at Munich—that the subjects it was fitted to illustrate pointed it out for a national building as almost the only subject by which full effect could be given to the qualities which distinguished it of grandeur, breadth, and simplicity. The Committee recommended that that style should be adopted, and not oil-painting only. It was the House of Commons which suggested the encouragement of a branch of art not unknown to this country in former times, but which had remained dormant for above a century; and that the artists of this country should be asked to compete in that novel department of art. Reflections might be cast on the selection made by the commission of eminent men whose effigies should adorn the New Houses, as well as of subjects illustrating the national history. But by making a selection of historical subjects, and of men distinguished in British annals, they thought, up to that night, that they were adopting the recommendations and acting in conformity with the wishes of the House of Commons; for the report of the Committee concluded by observing that they unanimously recommended the evidence to the favourable consideration of the House, with the view of its receiving the immediate attention of the Government. Such was the opinion of the House of Commons at that time—an opinion which the Crown was obliged to respect, because it referred to the decoration of the edifice appropriated to the House of Commons and the House of Peers. The report of the Committee concluded by saying—

> "We humbly recommend the evidence herewith presented to the House to its favourable consideration, with a view to its receiving immediate attention at the hands of the Government, in the hope that the new Houses of Parliament may hand down to posterity a memorial as well of the genius of our artists as of the importance attached by the country to the nobler productions of art, and that subjects embodied in such representations, whether by painting or by sculpture, may serve to perpetuate the facts of our past history, and to preserve the memories of our public benefactors in the grateful remembrance of our people."

Supposing the Crown had neglected that recommendation of the House of Commons, had appointed no commission, had done nothing with reference to the declaration of the two Houses in promotion of art, would not the House of Commons have taken credit with artists and the lovers of art for a disposition to give them encouragement? Might the House of Commons not have said—"Here you have evidence of our disposition to provide the means, but the Crown, the natural patron of art, has done nothing in furtherance of this great national undertaking?" The Crown acted on the suggestion of the House of Commons. It appointed a commission. If that commission had abused the functions intrusted to them, that was a legitimate ground for refusing to assent to their proceedings. But the commission, on their own part, were not aware of any dereliction of duty which a sense of justice ought to make them acknowledge. They obtained a public competition; they gave prizes to the best works; without restriction as to any particular class of art, they opened a competition to the whole talent of the country. Three prizes were awarded of 500*l.* each, three of 300*l.* each, and three of 200*l.* each. A commission was appointed to award those prizes, and, greatly to the satisfaction of that commission, they were, in almost every instance, awarded to young men whose names had hardly been heard before. Latent genius was brought to light. These were the names of the successful candidates:—Mr. Pickersgill (not the Royal Academician), Mr. Watts, Mr. Armitage, each received prizes of 500*l.*; prizes of 300*l.* were awarded to Mr. Frost, Mr. Poole, and another; prizes of 200*l.* were awarded to Mr. Lauder, Mr. Lucy, and Mr. Foster.

It could not be said that the opportunity had been thrown away for the encouragement of art, or that any favour had been shown in awarding the premiums; for he doubted whether the names of any of the successful artists had been known to those who awarded the premiums. The commission certainly thought they were acting in conformity with the wishes of the House of Commons when historical subjects were selected. A Committee was appointed. The recommendations on that subject were offered by that Committee, which was composed of the following members:—Prince Albert, the Marquess of Lansdowne, Lord J. Russell, Lord Morpeth, Lord Mahon, Mr. Macaulay, Sir R. Inglis, Mr. Hallam, and Mr. Wyse. If the House thought that Committee badly selected, and objected in any respect to the course taken in the matter, he did not deprecate their rescinding the vote, and withdrawing from the commission the power of encouraging art; but, in doing so, he wished the House distinctly to understand that they were rescinding an act not of the Crown, but of the House of Commons, and withdrawing encouragement which the Crown had given, acting in compliance with the express wish of the House of Commons. He ought to inform the House—it might be an additional inducement to withdraw the vote—that the commission had proceeded in the confidence that not only in this but in future years the grant would be continued. They had selected an artist of the highest eminence, to whom they had given a commission to execute a series of works. [Mr. OSBORNE: In how many years?] He should be sorry to be charged with any concealment whatever. Mr. Herbert was the artist. They had selected him for the decoration of an apartment, the commission being given on the distinct understanding that he could only enter on it bearing in mind the precariousness of the tenure by which the commission held the grants. But, with reference to one particular apartment they thought that there would be an advantage in intrusting the decoration of it to one artist of eminence than to several hands; that more uniformity of design would be insured; that it was more in common with the practice of former ages to take that course; and they had invited Mr. Herbert to commence a series of paintings for that apartment. [Mr. OSBORNE: Which apartment?] He thought it was the Peers' robing-room. If any doubt existed of the merits and genius of Mr. Herbert, hon. Members who had not had an opportunity of seeing it, ought to look at the magnificent fresco of King Lear, painted by him. The character brought out in the Cordelia bending at the side would attract particular attention; and hon. Members might judge for themselves whether a better selection could have been made than of that artist. He did hope the House of Commons would be of opinion that it would not be creditable to the country, were the opportunity allowed to pass without affording what encouragement they could to art; that if they thought the commission had not taken a course calculated to encourage other departments of art as well as the highest, they would give the commission credit for anxiety to discharge its duties aright. If, on the other hand, the House thought the commission had abused its trust, had given given encouragement to departments of art which it ought not to have encouraged; if they thought a Committee of the House of Commons, and the House of Commons generally, would be a better tribunal for the consideration of these matters of taste, without murmur and without complaint, he, for one, would see the commission extinguished, and would only hope the House of Commons would appoint a better authority for the purpose of executing its purpose—if it were its purpose—to make this magnificent building conducive to the advancement of the fine arts.

MR. B. OSBORNE wished to call back the House to the real question, and hoped they would not be deluded by the "fine arts" of the right hon. Baronet the Member for Tamworth, who had never delivered a speech, even when he sat on the Treasury bench, supported by a majority, in which the question was so entirely evaded. There were two points in the right hon. Baronet's speech; one of them, that the hon. Member for Montrose, in a moment of weakness, suggested that the Sergeant-at-Arms should have a house. That house had never been built to the present day; and the topic so admirably brought forward by the right hon. Baronet had as much to do with the New Houses of Parliament as St. Paul's. The other point was, that a commission had been given to Mr. Herbert to decorate one of the apartments; but, although a Commissioner of the Fine Arts, the right hon. Baronet was puzzled to know which of the rooms it was that was to be decorated. But the question before the House was not whether they were to destroy the commission, but whether they should suspend its operations, and have the money which was proposed to be laid out on what he considered monstrous frescoes and narrow-shouldered barons devoted to putting the House of Commons in a proper state. Let them finish the House first, and proceed with the commission afterwards. The commission consisted of a number of gentlemen—he supposed men of great taste—who were employed in spending other people's money, and passing most agreeable mornings in giving orders to Mr. Herbert and all those artists of whom the right hon. Gentleman read a list. But the right hon. Gentleman rather threw a slur upon his hon. Friend the Member for Montrose, and said, "You are not tolerant of other people's criticisms." The complaint, however, of his hon. Friend was, that Earl de Grey, who was a Commissioner to expedite the building of the Houses, was bandying compliments with Mr. Barry, presenting him with medals, and holding out inducements to him to copy the example of Sir C. Wren, and not to finish the Houses for thirty-four years. Perhaps the right hon. Baronet, or some other of the Commissioners, might explain the reason of the delay in the building; but Mr. Barry, to use his own words, attributed it to—

> "Want of time experienced by all modern architects, and of that proper frame of mind to produce, with full effect, the æsthetical development of design which he was unable fully to explain."

If an architect was to tell that House that he was not in a proper frame of mind to continue this building, and it was received with a cheer by Earl de Grey, was the House to be satisfied with that sort of rubbish? But the hon. Baronet the Member for the Tower Hamlets, when anything was ever said on this subject, always praised the building. That reminded him of the story told of John Kemble, who, when he was asked his opinion of Mr. Conway, the actor, said, "He is a very tall young man." In the same way it might be said this building was a very large building, but he denied that it was either beautiful or useful. And he said further, that if the country had seen a fine building, or an useful House of Commons, he should not have grudged the money, but when he heard, day after day, the Chancellor of the Exchequer getting up and saying, "you have had very little expenditure," he would observe that they had spent 200,000*l.* for ventilation, and yet an hon. Gentleman got up on the other side—one of the country party who knew the value of fine air—and said, the air was so mephitic it was totally impossible he could breathe in the lobby. Why, he found that Mr. Barry and Dr. Reid, upon whose joint labours the comfort of the House depended, had not spoken for six years. The Chancellor of the Exchequer was aware of the enormous expense of pulling down what Dr. Reid had set up, and of setting up Mr. Barry's designs. They had now three systems of ventilation. They were parboiling the House of Lords; they were going to kill the whole country party in the lobbies—he believed it was a design of the Chancellor of the Exchequer's; and then they had those enormous boilers—God knew what they were going to do with them, but he understood Mr. Barry, when asked, refused to say. He asked the House to come to some vote, not as a mark of censure on the commission. The right hon. Gentleman the Member for Tamworth had read the names of the Commissioners, and read them with an emphasis, as though the House would be deterred by it from doing anything; but he would remind the House that this was no vote of censure—it was only a vote to suspend the commission—though he would say, if it were suspended *sine die* and never met again he should be the better pleased. This was a question whether a sum of money voted should be applied to complete the House of Commons, or whether, whilst they were paying 2,000*l.* for the residences of the officers, because they would not finish the Houses, they should spend it on frescoes. He said, finish the Houses first, and adorn them afterwards. After what had been said by his hon. Friend the Member for Montrose, and the right hon. Gentleman the Member for Tamworth, he did not think there was any great encouragement for the House handing over its business to Committees, for it was proved that all these expenses arose out of the Committee. His hon. Friend wished to give the Sergeant-at-Arms a house, and the right hon. Gentleman wished to give Mr. Herbert an order for a picture, and they were running up an enormous bill, building abominably bad houses, and, if their legislation was not better than the Houses, the longer they remained in their present chamber the better. He hoped some hon. Gentleman would express a decided opinion that they ought to remain in the present House until the new one was put into such a state that they could hear, and sit with ease. One word now as to the Fine Arts Commission. He wished the right hon. Gentleman the Member for Tamworth would state the number of artists who were applied to to paint pictures for the refreshment room; he wished the right hon. Gentleman would state whether Mr. Stanfield refused, whether Mr. Roberts refused, whether the commissioners were not going to put Mr. Landseer's pictures into a room not so good as a billiard room, because there was not light from the top to see them; and he wished the right hon. Gentleman would state whether Mr. Landseer had asked whether there was another room, and whether Mr. Landseer did not consent to paint, and did not say he would paint, the picture for nothing. And in extenuation for the vote he (Mr. Osborne) had given the other night, he did it as much to save the reputation of that gentleman as to save the money of the country, because he thought it an affront to that artist that the commissioners should put his picture in such an abominable place. He hoped, therefore, the House would do their duty to the country, and support his hon. Friend the Member for Montrose.

Sir R. PEEL would assure the hon. Gentleman that his (Sir R. Peel's) omission of all reference to the circumstances under which Mr. Landseer was invited to paint certain pictures in the apartment to which the hon. Gentleman had alluded, was intentional, because he thought the House had decided on the point. He was influenced solely by a respectful feeling toward the House—that he would not call in question a decision of the House, however strongly he might feel upon it. The three artists to whom the hon. Gentleman referred, were called before the commission. The commissioners accompanied them to the apartment in question. Upon entering the apartment they found that the greater number of the panels which could be appropriated to the particular pictures were opposite to the light—and every Gentleman was aware that that was an unfavourable light for the exhibition of pictures—but there were three compartments in which the light was excellent. Those were at the end of the room, and were lighted at the side. The commissioners had a picture painted by Mr. Stanfield, one by Mr. Roberts, and one by Mr. Landseer. They were brought to the apartment—the commissioners made an actual experiment of the light before the pictures were placed there; they made it in the presence of the three artists; the commissioners themselves thought the situation of the panels opposite the light was not suitable for the exhibition of paintings, and they therefore did not give a commission to Mr. Stanfield or Mr. Roberts, because they thought a more suitable place for works of those distinguished artists might be found; but the panels selected by the commissioners for the pictures of Mr. Landseer were selected with the full and entire concurrence of Mr. Landseer himself. That gentleman thought the purposes of the apartment were not unsuitable for the exhibition of works in that particular department in which he had attained a higher eminence, he (Sir R. Peel) believed, than any artist of any country or of any age. He entirely approved of the light, and in no respect objected to the apartment. Of the liberality of Mr. Landseer, he (Sir R. Peel) could not speak in terms of too high praise; whatever sum might be awarded to Mr. Landseer for these pictures, he (Sir R. Peel) was confident it was not one-third of the real intrinsic value of them. All that the hon. Gentleman could say in favour of the eminence of Mr. Landseer was entirely justified. All the hon. Gentleman had said of his liberality was equally deserved: he hid not believe there ever lived an artist of greater eminence than Mr. Landseer; but the selection of these panels for his pictures was not made without his full and entire approbation.

Lord J. RUSSELL said, the hon. and gallant Member for Middlesex began his speech by saying that the right hon. Gentleman the Member for Tamworth had not spoken to the question, and that he misled the House by referring to a question totally irrelevant; but the fact was that the right hon. Gentleman did address himself to the question, which was, whether those sums of money which were voted in Committee of Supply should likewise be consented to by the House for the purpose of certain decorations and of the fine arts as proposed by the Fine Arts Commission. Now, the hon. and gallant Gentleman did not address the House upon that question, because his speech was almost entirely on the merits of Mr. Barry and the building of the two Houses of Parliament. According to the logic of the hon. and gallant Gentleman, there ought to be a vote for the House very much diminishing the sum to be apropriated to Mr. Barry for the Houses, and not interfering with the Commission of Fine Arts, because the hon. and gallant Gentleman said, he did not wish to pass any censure on the commission; and yet the hon. and gallant Gentleman's conclusion after his speech was, that every farthing asked for by Government for Mr. Barry and the Houses of Parliament should be voted, and that the sum asked for the commission should not be voted. The hon. and gallant Gentleman's object was not a censure on the commission, but merely to say that every sum they could spare, every penny they could afford, should be devoted to continuing and finishing the Houses of Parliament. If that were the case, they ought to vote the whole sum of 150,000*l.*, the sum asked by the Government and the Treasury of the House of Commons, only declaring that no part of it should be applied to painting and decorations. But the hon. and gallant Gentleman, so far from taking that course, would take away the whole sum proposed for these paintings, and leave the whole of the sum for the Houses neither increased nor diminished—therefore the Houses of Parliament would not have one farthing more money voted for them; they could not be proceeded with further; not one day's work more would be done in consequence of the hon. and gallant Gentleman's wish. If the House of Commons really said that 150,000*l.* was not sufficient, and that 4,000*l.* more ought to be voted—if that were the deficiency, he thought the Government, in any supplementary estimate, might have applied for that additional sum to proceed with the Houses of Parliament; but the hon. and gallant Gentleman did not interfere with the sum for the Houses —he neither increased nor diminished it. Then the hon. and gallant Gentleman said it was only suspending the works of art, and that when the building was completed they might be proceeded with. But would not that be departing from what the House had done? Did not the House originally say—he was not one of those who were most sanguine on the subject—but did not the House say that that opportunity should be taken to decorate the Houses with works of art—that it would greatly promote the fine arts in this country, and did not the right hon. Gentleman the Member for Tamworth advise the Crown to appoint a commission for the special purpose of carrying into effect the wish of the country? Then, if they suspended that commission—if they told them, after they had led the people to expect that this money should be devoted to the purpose of the fine arts, that it should not be so devoted, the only result would be that it would be impossible for the commission, with any regard to their character, to proceed with the works, the House of Commons having declared that they were not fit to proceed with them. It would be a vote, in fact, declaring that their commission must be put an end to, and that they departed from their original purpose. He said this with immediate view to the vote. The question was not then with regard to Mr. Barry's merits—it was not whether that or the other House of Parliament did a wise thing in adopting Mr. Barry's plan in preference to a less expensive style of architecture; but whether after the House had gone on for five or six years in votes for this purpose, they would now put an end to them, and refuse to have the Houses decorated.

Mr. HUME wished to know from the right hon. Gentleman in the chair whether he could withdraw the Motion he had already proposed, for the purpose of substituting the other of which he had given notice for the appointment of a Committee? The noble Lord at the head of Government knew that all he (Mr. Hume) wanted was to have an opportunity of taking the sense of the House as to a Committee.

Mr. SPEAKER asked the hon. Member whether he proposed to withdraw his Motion?

Mr. B. OSBORNE objected to its being withdrawn.

Sir R. PEEL thought the hon. Gentleman was so convinced of the injustice and impropriety of his Motion, that he wished to withdraw it.

Mr. AGLIONBY said, that not one word had fallen from his hon. Friend the Member for Montrose which could justify the observation which the right hon. Baronet had just made. He protested against it; but he thought his hon. Friend wished to withdraw his Amendment in order that he might put another more consistent with the view of the House.

Lord J. RUSSELL had no objection, if the forms of the House would permit it, that the hon. Gentleman the Member for Montrose should put his Motion exactly in the manner he thought best; but he understood the hon. and gallant Member for Middlesex to say he could not consent to the Motion first made by his hon. Friend being withdrawn.

Question put, "That the sum of '103,610*l.*' stand part of the Resolution."

The House divided:—Ayes 144; Noes 62: Majority 82.

List of the Noes.

Alexander, N.
Bankes, G.
Bennet, P.
Beresford, W.
Best, J.
Blackstone, W. S.
Bouverie, hon. E. P.
Bright, J.
Castlereagh, Visct.
Chatterton, Col.
Cobden, R.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Colvile, C. R.
Corbally, M. E.
Disraeli, B.
Dod, J. W.
Drummond, H.
Duncan, G.
Dunne, Col.
Evans, Sir D. L.
Evelyn, W. J.
Fitzroy, hon. H.
Forbes, W.
Grattan, H.
Greene, J.
Hall, Sir B.
Halsey, T. P.
Hastie, A.
Hastie, A.
Heyworth, L.
Hotham, Lord
Humphery, Ald.
Jolliffe, Sir W. G. H.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Lockhart, W.
Lushington, C.
Morris, D.
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
Packe, C. W.
Pechell, Sir G. B.
Prime, R.
Roebuck, J. A.
Romilly, Col.
Sibthorp, Col.
Smythe, hon. G.
Smollett, A.
Sullivan, M.
Thompson, Col.
Verner, Sir W.
Waddington, H. S.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Williams, T. B.

TELLERS.
Hume, J.
Osborne, R. B.

Motion made, and Question proposed—

"That this House doth agree with the Committee in the said Resolution."

Mr. HUME said, that he should now move, as another Amendment, for the Select Committee of which he had given notice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to inquire into and examine the various Reports, Statements, and Plans of the Architect relative to the New Houses of Parliament, and also into the manner in which the works have been conducted, and the different estimates made, with a view to ascertain the cause of the great increase of charge above the estimate for the plan delivered by Mr. Barry, and examined by proper officers, amounting to the sum of 707,000*l.*, on which estimate the sanction of Parliament was obtained for the adoption of the plan; and that the Committee be instructed to obtain from Mr. Barry plans and estimates of all the additions and alterations made by him upon his own responsibility; also, those that have been made at the suggestion of or under the authority of the Lords of the Treasury, the Commissioners of Woods and Works, or any other parties; also what further plans and projected works are intended to be carried out for the completion of the said Houses of Parliament, with proper estimates for the various items, so as to arrive at the total expense for the whole building, fittings, and decorations;"

instead thereof.

Lord J. RUSSELL said, his right hon. Friend the Chancellor of the Exchequer had already stated, that in a few days a complete return would be made of all the details of the expenditure, showing what the excess of expenditure had been, and he thought the House should have an opportunity of seeing that return before they came to any decision upon this question.

Sir H. WILLOUGHBY supported the Amendment of the hon. Member for Montrose, and complained that no person appeared to be responsible for all the expenditure. The main ground of his supporting the Amendment was, that it would give the Committee the means of an effectual control over it. The House of Commons could not act as an executive body; all it could do was to pass good laws, and to give the means of establishing a proper control over all expenditure.

Sir D. NORREYS said, that after all the expenditure incurred, had they not produced a monstrous failure, not only as regarded the architecture, but convenience itself? Was not the new building most unsatisfactory as regarded hearing, and was it not insufficient on the score of the number of Members it would accommodate? He thought that if a Committee were appointed, one of the first questions for it to consider would be, whether Westminster-hall had not been desecrated by Mr. Barry, who was now erecting a monstrous passage to a more monstrous staircase. He agreed with the hon. and gallant Member for Middlesex in thinking that Mr. Barry was an accomplished architect, as far as one branch of the profession went; but he felt that the country had been misled by him in the adoption of a bad style of architecture.

Mr. ROEBUCK said, that he scarcely knew what they were going to divide upon, and that it was most preposterous in them or any Committee that they could appoint to pretend to know anything about architecture. He thought that if they had appointed one man at first to build a house for them, and had not interfered with him, they would have acted more wisely. He thought it absurd to hear one hon. Gentleman getting up and talking about arches, and another about pediments, neither knowing anything about them. Everybody seemed to find fault with the New House of Commons; but he was totally incapable of forming a judgment on it. Everybody seemed to attack it as to hearing; but on the principle of acoustics he could not understand how one man talking on his legs could be heard when there were a hundred others about him talking on their heads' antipodes. The House which they were then in, he believed was as good a one as they could have; but he had no knowledge to guide him as to whether the New House was a good one or not. He thought that it would be better not to appoint a Committee, but to leave the responsibility on the Government.

Mr. AGLIONBY was quite sure that if the hon. and learned Member for Sheffield had attended to the terms of his hon. Friend's notice, which was on the Votes, he would have given the Motion his support. The question before the House was for a Committee of Inquiry, and he denied that the responsibility rested with the Government. The responsibility fell on the House, and they ought not to shrink from it. If the papers promised would give the information required, he would advise his hon. Friend to withdraw his Motion; but the information that was wanted could only be elicited by a Committee. He would ask the Chancellor of the Exchequer whether he could tell the House, within half a million, what sums had already been paid, and what liabilities had been incurred ?

The CHANCELLOR of the EXCHEQUER entreated the House to wait until the return which he had promised was produced. In one of the returns laid on the table towards the end of the last Session, it was stated the total expenditure upon the New Houses up to May, 1849, was 938,000*l.*, and certainly not more than 100,000*l.* had been expended on it since that time. It would be found, if hon. Gentlemen would wait for further information, that the great portion of the incurred expenditure had taken place in consequence of the demands for additional accommodation which had been recommended by Committees of both Houses, and by the Woods and Forests.

Sir R. PEEL thought that a useful and practical Committee might be appointed, after they had sat in the New House four or five days, to consider what further accommodation was required in it, and also the cost of any such alterations as might be deemed desirable. Such Committee could state what steps it was desirable to take to avoid the risk which he feared might arise of Members not being able to hear comfortably in the New House. Great care must be taken to see what would be the cost of any alteration which might be made, such for instance as an extension of the side galleries. As to an investigation into what had been the cause of the past expenditure, he did not think it would be attended with any great advantage, and if they appointed a Committee of Taste to superintend the future progress of the building, it would be found to be perfectly incompetent, and they would lose the advantages which they might attain by such a Committee as he had suggested.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 85 ; Noes 55 : Majority 30.

Resolution agreed to.

LORD LIEUTENANCY ABOLITION (IRELAND) BILL.

Order for Second Reading read.

Lord J. RUSSELL moved that this Bill be read a Second Time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. GRATTAN hoped that Ministers would abandon this measure, which, according to report, was not viewed with favour by individuals in high positions connected with the Government. The Legislature had no right to pass a Bill for abolishing the office of Lord Lieutenant. The office was guaranteed to Ireland by the treaty of union between the two countries. The people of Ireland were as much entitled to have their Lord Lieutenant as the people of England were to have their Lord Chancellor. The law officers of the Crown had not attempted to answer the legal objection which was taken to the abolition of the office. That the people of Ireland were opposed to the removal of the Lord Lieutenancy was apparent from the circumstance, that whilst many petitions had been presented against the measure, not one had been presented in favour of it. It had been expected that an important petition from Dublin would that evening have been presented against the Bill by one of the Lord Mayors of that city; but it would appear that now there were two Lord Mayors of Dublin neither of them could come to London. The state of public feeling in Ireland with respect to this Abolition Bill might be inferred from a declaration recently made by a gentleman who had hitherto been a supporter of the Government, who said, "I am not a repealer, I am a rebel; for the Government is driving us to madness." It was the fashion now to assert that the Lord Lieutenant had nothing to do; but the time had been when Ministers stated in that House that his duties were most onerous. Ireland had been deprived of her nobility and gentry, and now it was proposed to deprive her of her Lord Lieutenant. Do that, and how would you govern the country? The Marquess of Wellesley once said to him, "If things continue to go on as they do at present, Ireland will be governed either by the mob or by the military." That declaration was made as the Marquess was leaving his Council of State in Dublin at two o'clock in the morning—a proof, by the way, that the Lord Lieutenant had some business to occupy his attention, and if further evidence upon that point were desired, it would be found in the Earl of Clarendon's letter upon the table of the House, describing the measures adopted for preserving the peace of the country after the suppression of what he must be allowed to term the mock rebellion two years ago. It was a significant fact that this Bill was warmly supported by the party which was supposed to have looked with approbation on that insurrectionary movement. The noble Lord at the head of the Government must believe the people of Ireland to be a mere besotted race if he supposed that they could possibly regard this as an advantageous measure. One of the most objectionable provisions of the Bill was the transferring to Her Majesty the power now possessed by the Lord Lieutenant of issuing proclamations. Why, the Irish people were born under proclamations, they lived under proclamations, and under proclamations they died, and were buried. But how were these proclamations to reach Ireland from Downing-street? They must resort not merely to the parachute, but to the electric telegraph itself. Did the noble Lord think that the people of Ireland would submit to this? The noble Lord did not know of what kind of spirit those people were. When he (Mr. Grattan) was a young man, he could have adopted means of agitation under such a law which would have upset any Ministry of the day. He would refer to a reply of the Earl of Clarendon in answer to a memorial that was presented to him, which would at once show the advantage Ireland must derive from having a man high in authority on the spot to superintend the administration of justice in that country. In the case of certain individuals who had been transported from Ireland, an address was presented to the Lord Lieutenant in their favour, and particularly requesting that those individuals should not be treated with severity. The Earl of Clarendon, being on the spot, knowing the circumstances of the case, and being satisfied that the safety of society was secure, made this reply:—

> "I fully appreciate the motives of humanity which have dictated your address, and in reply, I am at present only able to assure you that the Government in the performance of its duties can have no other desire than that justice should be administered without any degree of severity beyond that which the interest of society demands."

That was a proper, an honourable, and a constitutional reply. Now, one of those individuals who was so transported to Maria Island, was a gentleman whose friendship he had long had the honour to enjoy. How had the humane treatment so strongly recommended by the Earl of Clarendon been carried out towards that individual? Mr. Smith O'Brien had 50*l.* forwarded to him, and he wished to purchase some tea, but he was prevented doing so; he wanted to read the papers, but that privilege was denied him; he was anxious to take exercise, but that he was not allowed to do without being constantly accompanied by some official person; in short, they would not allow him to expend any portion of the 50*l.*, either in a way conducive to his health or to his amusement. Such was the treatment Mr. Smith O'Brien experienced at Maria Island. Such was the humanity of the generous mind of the Earl of Clarendon, in Dublin, on the one hand, and such the inhumanity of the officials at Downing-street, on the other. But, in the case of the administration of justice at home—suppose a man tried in Ireland on a Thursday, sentenced on a Saturday to death, and the execution of that sentence to be carried into effect on the following Monday. In such a case what appeal could be made to the Government in Downing-street to arrest that sentence? Was it not clear that instead of having justice promoted by the transferring of the criminal administration from Dublin to London, the risk would be incurred of the people of Ireland receiving no justice at all? But there were many other difficulties in the way of this measure. The Bill would bring a number of onerous duties on Her Majesty which she would never be able to discharge. Without intending to make the assertion himself, it certainly was generally supposed that the creation of this fourth Secretary of State was a job, and that it was for the purpose of giving increased power and influence to the Crown. He would request the House, at all events, to consider whether it was not calculated to have that effect. His own opinion was that it would not only very largely increase the expense of the government of Ireland, but that it would increase most formidably the power of the Sovereign. The effect of the measure would be to desolate Ireland. If the Lord Lieutenant were removed, the landed gentry, who were already too few in that country, would immediately depart from it, and those whose welfare they ought to promote would be left entirely without resource. What was the condition of Ireland, even now? From his own personal observation he could declare that it was getting worse and worse every year. He had, within the last few months, visited the north of Ireland, not having been in that part of the country for six years previously, and there he saw the people in the greatest state of wretchedness and misery. A Mr. Mauleverer had been recently murdered, and great indignation had been expressed of the management of the estates under that gentleman; but what was the fact? Talk of Irish landlords neglecting their duty! Why, the manner in which English landlords managed their Irish estates was a disgrace to the name of England. The hon. Member for Manchester, in one of his philosophical dissertations on free trade, thought it proper to give a description of the character of Irish trade; and observed that the exports from Ireland consisted now of Irishmen only; who went abroad, not to found flourishing colonies in amity with the mother country, but that as soon as they planted their feet on a foreign shore, wherever it might be, it was their boast that they harboured a feeling of unabated hostility to this country. These words of the hon. Member for Manchester were received with cries of "Hear, hear!" and cheers. Now, that in England a body of English labourers should have cheered the hon. Member on making such a statement as that, was to him very surprising, and he could attribute it but to one cause alone. There was in the English labourer an innate love of justice. They knew that no Government would dare to treat Englishmen as they had treated the Irish. That was the meaning of the cheer; and so far it was a proper cheer of caution. He once attempted to allude to a difference between America and this country, and he was sneered at; but he had heard this Session a like allusion made by an Englishman, and it was received with decorum. He could assert that a proposition, and that not very long ago, had been made to send 70,000 men from America to Ireland. He had himself, when in France not many years ago, been offered to land in Ireland 30,000 men from that country. But he was a loyal citizen, and he would never invite the Americans over to his country, though in five days a communication could be effected by the *Viceroy*—he meant, not the Viceroy of Dublin, but the steamer from Galway Bay — with the American shores. He had once declared that he never would sharpen his sword but on one side, and that was as a loyal subject and in support of the constitution; but now so stricken down and doomed had his country become by the insane policy of the Ministers of this country, he would not sharpen his sword on either side, but would leave the Government to fight out their battle by themselves. [Mr. ROEBUCK: *Tant mieux.*] *Tant mieux*, said the hon. and learned Gentleman. It might well be, so much the better for him, for a very little sword would soon cut him in two. He must say that, after nearly 25 years of intimate connexion with England, and after upwards of 50 years' strict observance of public affairs in Ireland, he was as much at sea in regard to what was the policy of the Government of this country towards Ireland as ever he was in the earliest days of his life. No set of Ministers had had the spirit to act boldly towards that country. In all their measures they had halted half way. What had been their policy in regard to the Church? They had abolished ten bishops—a measure of which he had never approved, but they had made no provision whatever for the real working clergy of the Church. Then, how had they dealt with absenteeism? For years men living in London had been receiving vast sums from their estates in Ireland, leaving those estates and the people living on them to be managed and cared for by others. Could such a system last? It might last his day, for he was old; but would it last with the young men who were now growing up.

What did those young men say now of the system which the British Ministers were pursuing? Why, they declared that so thoroughly did they detest that system that there was not one man amongst them who would draw his sword for that Ministry to-morrow. They were giving constitutions to the colonies, to Australia, New Zealand, and the Cape of Good Hope; why would they not give a constitution to Ireland? It was because the young men who were their public writers in that country, and who gladly earned their money, were deceiving them. Therefore it was that he condemned the removal of the Lord Lieutenant, because he knew how easily the Ministers were deceived. The present system of government in Ireland was demoralising the people; a general apathy was coming over them. But bad government was not only demoralising them, it was sending them by thousands and tens of thousands away from the country altogether. The people would not remain in it. Repeal was once the question, but you refused it. You would not give King, Lords, and Commons to Ireland. But what was now the question? It was not repeal, it was separation. 408,000 individuals had left Ireland within the last three years. That was separation; but there was not only separation, there was war. Here, then, they had a pretty state of affairs. There was a quarrel between the different members of the Church, where they had baptism without regeneration—sin without remission; while, again, there was marriage without regard to blood; and, lastly, there was in Ireland separation without repeal. It appeared to him that the proceedings of the Government would involve Ireland in conflicts which would be interminable, unless, indeed, they were terminated by the good sense of the House and the spirit of justice and humanity which ought to influence the Ministerial benches. The truth was, the hard work of legislating for Ireland had killed Ministers of State as well as Members of Parliament, and the decimation would go on so long as we approached the task in our present spirit. England took away Ireland's nobility and gentry, and supplied their place by 40,000 soldiers and 10,000 police. He appealed to that spirit of humanity which ought to animate the Government and Parliament not to permit the errors of Ireland to perpetuate her misery and degradation.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. G. A. HAMILTON said, he was unwilling to give a silent vote on so important a question. He felt sure of this, that things in Ireland would never be in a satisfactory state—that Ireland never would cease to be England's difficulty—until a complete change was made both in the system of legislation and of administration in that country. [*Cheers.*] He need scarcely say the meaning in which he used those words was different from the sense in which probably the hon. Members opposite, and especially the hon. and learned Member for Sheffield, who had cheered him, understood him. What he meant was, that the system of legislation as regards Ireland should be so assimilated with that of England, that English Members would be actuated by precisely the same motives and feelings in legislating for Ireland as they were when legislating for England. He was far from saying or meaning that Englishmen were at all indifferent as regarded Ireland; quite the contrary; but so long as the system of legislation and the laws were so different—and he was sorry to say the differences were widening every day—it was impossible for English Members, engaged as they were with English legislation, to bring to bear upon Ireland that sound practical good sense, and those habits of business, which were eminently the characteristic of Englishmen; and when he spoke of administration, what he meant was, that the administration of affairs in Ireland should be on the principles of the British constitution—on those principles which were recognised as the only ones on which the conduct of affairs could be carried on in England—namely, that the law should be made and held paramount; that the rights of property should be maintained; and that the legislation and administration should be conducted for the good of the community, and not from any party or political motives. He had hoped that the noble Lord would have propounded some such policy as this; and as a part of such policy, he (Mr. Hamilton) would have supported him in the Bill before the House. He had watched anxiously the speech of the noble Lord, and he was unable to discover any indication of such a policy: on the contrary, the Bill itself, and nearly every Government Bill that had been laid on the table this year, indicated a different policy. In all there was a tendency to centralise, and a jealousy of the local authorities. The Bill for the abolition of the Lord Lieutenancy increases the power of the Poor Law Commissioners — the Petty Sessions Bill contained most absurd provisions indicative of their policy—the magistrates were not of themselves even allowed to fix the day for petty sessions, or a place for keeping their books without the consent of the Government. Would such a thing be tolerated in England? In the same way the Medical Charities Bill was full of the centralisation principle. It seemed from the measures of Government that Ireland was henceforth to be ruled by boards. The Poor Law Commissioners, the Board of Works, the Board of Health, were to be her governors. Now, he did not hesitate to say that the abolition of the Lord Lieutenant—except as a part of a new policy and of a new system on English principles—would be an injury instead of an advantage. There could be no doubt it would injure Dublin and its mercantile interests. It would give increased political power to the Lord Chancellor of Ireland, who, with the Privy Council, would constitute the local government. He thought there were many objections to that. Again, how was the patronage to be dispensed? Already, there were complaints of the disposition of patronage by the Government in Downing-street as regarded Irishmen. The right hon. Baronet opposite the Member for Harwich had taken offence at some observations that were made some time ago as regards patronage in his department. It was not intended to blame him in particular, but it was quite notorious, and was strongly felt in Ireland, that in foreign appointments, and in India and the colonies, Irishmen did not receive their fair share. He (Mr. Hamilton) had made out a list of one department; there were twenty-two colonial bishops and forty dignitaries; as far as he could discover, not one of them was an Irishman. These evils would be aggravated by the removal of the Lord Lieutenant. He also thought the time and manner of bringing forward the measure was improper. So important a measure involving so great a change in the constitution of Ireland, ought to have been announced formally in the Queen's Speech. Public attention would thus have been directed to it in the proper and constitutional manner. For these reasons, having given the subject his best consideration, he felt bound to record his vote against the second reading of the Bill.

Mr. M. O'CONNELL expected that some Member of the Government would have favoured the House with a few reasons for the necessity of passing this Bill. Failing that, however, he was driven to look at the arguments adduced on the occasion of the first reading. The main argument appeared to be, that there had been abuses connected with the office in former times, and that the parties holding it had been abused in all times. He was not there to deny that there had been injustice and maladministration by Lord Lieutenants; but the argument, if it were worth anything, went not only against all offices, but all governments also. The Bill left the Privy Council and the Lord Chancellor of Ireland to carry on the executive; so that, whilst they were going in England to separate the judicial functions of the Lord Chancellor from his Parliamentary functions, in Ireland they were going to superadd to his judicial functions the duties of the Lord Lieutenant. Another argument in favour of this Bill had been founded on a reference to Scotland. The cases, however, were not parallel; for, in the Union with Scotland, the Church of the people had been left as the established Church of the realm; whilst in Ireland the Church of the few had been made all-dominant. With all those abuses standing before their eyes, and patent to all the world, the Ministers of the Crown continued to tell the House that the cases of Ireland and of Scotland were alike. They continued to tell Parliament that the case of Scotland was a precedent that might be quoted in favour of the measure which they now proposed for removing the Lord Lieutenant from Ireland. It might be all very well for them to talk of Scotland, but they left the government of that country to Scotchmen; they never sent a spendthrift there to rule the people, nor a political adventurer. The people of Ireland never had the nomination of their own Lord Lieutenant; they, on the contrary, were obliged to take whomsoever the English Government for the time being thought proper to send. Now, in the course of the present discussion, they had heard much of the evils attendant upon, and supposed to be inseparable from, the administration of the government of Ireland by a Lord Lieutenant. But he maintained that those evils were not inseparable from the ancient practice of ruling Ireland by means of a Viceroy. The present system was the abuse of the institution; and, though the remark might be old, it was not the less just, that no argument against the legitimate use of anything ought to be derived from its abuse. He would say to the present Ministers of the Crown, "Reform the abuse, and give to Ireland the benefit of that reform." He could supply to the House many instances in which the presence of a Lord Lieutenant in Ireland had been of the highest value and importance, not merely in maintaining order within the limits of the kingdom, but in preserving the empire intact. In 1745, when Prince Charles Edward landed in Scotland, and advanced at the head of his followers as far as Derby, the Earl of Chesterfield was the Lord Lieutenant of Ireland; and at that critical moment what kept the Catholics from rising on behalf of the exiled family? Nothing but the politic character of the Earl of Chesterfield, and the profound knowledge of human nature which he possessed. That wise and able man soothed the discontents of the people, and alleviated the mischiefs produced by former Governments in Ireland; there was, therefore, no rising there simultaneously with the rising in Scotland. He never, in his own person, had occasion to transact much business with the Lord Lieutenant; officially he knew but little of that functionary; no one, however, could be acquainted with events occurring in Ireland, and not know that, in proposing this measure, the Government were striking the first blow against the connexion subsisting between the two countries. It appeared to him scarcely possible that the Government of Ireland could be safely and efficiently carried on unless there was always to be found on the spot an eminent public officer, invested with full powers, and prepared to exercise those powers. He knew that Ministers would tell him that they, by the present Bill, gave those powers to the fourth Secretary of State in Downing-street, and that the improved facilities of communication rendered such an officer quite competent to the task of governing Ireland; but surely that wonderful ease of transit was equally available in Dublin as in London, and the fourth Secretary of State would possess no advantage denied to the Lord Lieutenant. He desired now to come to the argument founded upon the economy of the proposed change. The hon. Member for Montrose had often brought the subject under their notice, but he had rested his arguments chiefly on the ground of economy. Now, nothing could be more manifest than that it would not effect the saving which the hon. Member for Montrose anticipated. His opinion, deliberately adopted, was, that they would effect no saving whatever by the removal of the Lord Lieutenant; and they would prevent the spending of a certainly small sum—only 54,000*l.* a year—in the capital of Ireland. There would, he repeated, be no saving to the united kingdom, but a great loss to Ireland individually. Unless the Government could show a very great saving, he should continue to hold the opinion that the sum expended in Ireland, however small, was a great loss to that country; and that the empire at large was deeply injured by the increasing centralisation of all the powers of Government in this metropolis.

Colonel DUNNE thought that the Irish Members had derived no encouragement from the debate which should induce them to draw tighter the bonds between the two countries. On the last night of the debate, one of the Secretaries of State was left to answer the charges made by hon. Members as best he could; and this night the noble Lord, trusting to a majority in that House, and to the newspapers which vilified the motives of his opponents, had taken off his hat, and asked them to abolish the office of Viceroy of Ireland. He protested against this measure. It was fifty years since centralisation had been attempted, and during that fifty years Great Britain had attained a high pinnacle of glory. What advantage had, during the same time, accrued to Ireland, who shared in those conquests by sea and land which rendered England great? The Irish Members, being but one to five in that House, could do nothing but protest against their legislation. In the year '98, Ireland owed but nine millions and a half—she now owed one hundred and thirty-four millions and a half; and how was this incurred? By wars in acquiring those colonies by which England enriched himself. Their trade to the colonies had scarcely increased since the Union. Before that period, there were Peers and commoners residing in Dublin. One hundred Peers had residences there, and now he knew of but one, and so depreciated had house property in that city become, that some houses which had been mortgaged for 20,000*l.* were lately sold for 5,000*l.* Their taxes were increased, their trade was depressed, and, by the repeal of the corn laws, their agriculture had suffered; in return for which they had got free trade, which was no free trade except to the foreigner. The noble Lord at the head of the Government had stated that it was not the intention of the Government to remove the law courts from Dublin. This would come to pass in time, and they should not trust the assertions of a Minister, for no Minister could answer for the acts of his successor. In 1846, when there had been a discussion on this same subject, the right hon. Baronet the Member for Tamworth had declared, not that it would be impossible to remove the Lord Lieutenant from Ireland, but "that it must be done with the will and the wish of all the Irish people." The people did not wish it: he, as one of their representatives, protested against it. It was alleged, as two reasons for abolishing the office, that Lords Lieutenant governed by corruption, and that libels were heaped on their characters. The corruption was derived from the fountain-head in Downing-street; and as to the other reason, a governor of Ireland should be above libel. To proper censure he might be liable; and a fear of public opinion being unfavourable to him, would be the best motive for inducing him to govern with justice. He had lately noticed, with great surprise, an article in a paper remarkable for its aptitude at cooking statistics, and also as enjoying the confidence of the Government — the *Economist*— showing the rapid prosperity of Ireland. Nothing was more calculated to mislead public opinion than such paragraphs, in papers supposed to be clothed in official authority; and he was sure that the paper in question had no such authority for making the statements, which were a tissue of misrepresentations. Such statements might be taken as a specimen of the kind of information upon which the people of England were expected to form a correct opinion upon Irish affairs. The hon. and gallant Member for Middlesex had ridiculed what he called the mock royalty of the Lord Lieutenancy. But if this was an objection, it was an objection which applied wherever a Viceroy existed. If the Lord Lieutenancy be done away—if the people of Ireland—the most loyal people upon the face of the earth—are to be deprived of the presence of a representative of their Sovereign in Dublin—let an assurance be given, as far as an assurance can be given on such a subject, that the presence of the Sovereign Herself may be occasionally depended upon. The right hon. Member for Tamworth, when arguing, in 1846, against the abolition of the Lord Lieutenancy, stated most truly that one of the effects would be to increase the amount of absenteeism. He (Colonel Dunne) was of opinion that the same result would inevitably follow from the adoption of the present measure, and that it would increase the plague spot of Ireland instead of removing it. He thought it would be far wiser to pass laws to discourage and prevent absenteeism, rather than to promote it. For the reasons enumerated, he would give every opposition in his power to the progress of the Bill, and, in doing so, he considered he was acting a consistent and honest part towards Ireland.

Mr. ROEBUCK might ask what was the real question before the House, because from the multitudinous array of arguments which had been brought forward, one could hardly believe but that they were engaged in a general debate, not only upon the measures of the present year, as regarded Ireland, but of every year since the union of the two kingdoms. It was psoposed by the Bill before the House that the office of Lord Lieutenant in Ireland should cease to exist; and therefore the question before them was—whether that was an alteration which would be for the benefit of the people of Ireland? The hon. and learned Gentleman the Member for the University of Dublin said he wished to see the Government of Ireland so like the Government of England, that nobody could distinguish the one from the other. In that case they would find in Ireland counties and boroughs governing themselves exactly as they did in England, and the same system in every respect in operation; but then the hon. and learned Gentleman desired that there should be in Dublin an officer called the Lord Lieutenant. Now, what did that Lord Lieutenant do for Ireland? He asked those who contended for the existence of that functionary, to point out, not by references to past history, but to the present state of Ireland, what benefit was conferred upon that country by his presence there? He denied that there was any hostility on the part of the English people to Ireland. Those who said there was, could not point out a single effect of legislation since the beginning of the Reformed Parliament, except one Act, in which there had been expressed any hostile feeling towards Ireland. It had been said England ruined the manufacturers of Ireland. That he acknowledged; but when? Were they to look back upon the page of history without reference to the circumstances that then governed men, and ask if the English Parliament, in the reign of William III. in that of Anne, or of George III. or even of George IV. could be contrasted with the present House of Commons? Let any one point out the Act injurious to the manufacturers of Ireland passed in the present day? [An Hon. MEMBER: The abolition of the corn law.] An hon. Member spoke of the corn laws. Now, what was the fact? The English people provided money during the famine, and it went to buy foreign corn abroad to feed the Irish people; and yet they had been charged with sending their money abroad, and not thinking of the people of Ireland. Could there be a more senseless complaint than that? And he was ready to maintain that, whatever might be the case with Irish landlords, the abolition of the corn laws had been an inestimable boon to the great mass of the Irish people. But, the question recurred, what had Ireland received from its mock Royalty? They were told that it was the means of bringing up to Dublin Irish gentlemen and ladies to go through an imitation of what took place in St. James's; and then they were further told that there had been a rapid diminution of property in Dublin. But had not all this poverty been created during the existence of a Lord Lieutenant, and were they likely to be worse after his removal? If the office were abolished, would not the Secretary for Ireland be seen in that House with full power and responsibility, ready to answer at that table for every act and deed he committed? But at present he shrouded himself under the covers of divided authority in Ireland. To take an illustration from the poor-law in this country, formerly there were constant complaints and universal discontent with the working of that law; but from the time that the board was changed, and one Commissioner brought into that House, the rule was, a fault found a fault answered, discontent and dissatisfaction disappeared, and perfect contentment followed. In the same way when the Secretary for Ireland was made really responsible, they would find him with not half of the government, but the whole of the government in his hands, and the Irish Members able to deal with him in his place. He asked wherein, after this alteration, was the possibility of evil to Ireland? The only objection was, that the Court would be withdrawn from Dublin, and that the shopkeepers would thereby suffer; but was that an argument which ought to influence the House? He hoped that by breaking down the petty intrigue which characterised the present state of things they would give the Government of Ireland an imperial character, and, by making it imperial, promote the interests of England and Ireland under the same system of a free and liberal administration of public affairs.

MR. CONOLLY, in supporting the Bill, expressed a wish that the hon. and learned Member for Sheffield had, in doing the same thing, rested his arguments more on the real points of the question before the House, and indulged less in those personalities, of which, he regretted to say, he made too liberal use. He (Mr. Conolly) thought that the abolition of this office could fairly be argued on grounds of national policy; and that it was for the interest of Ireland at large that the office should be done away with. There appeared to be no real ground of opposition offered to the measure, but that of the city of Dublin; and, such being the case, he thought it was the duty of the Government to persevere with it. It was an old and acknowledged maxim, that union was strength; and it was on the principle that the union between England and Ireland was for the benefit of the imperial constitution that that union was originally promoted by Mr. Pitt. He believed, therefore, that they were only carrying out Mr. Pitt's policy in removing this last obstacle to the real union of the two kingdoms. On that ground, he supported the measure. He believed it was a measure for the benefit of Ireland, for whose welfare and future good government he considered it was of great importance that they should have in that House a responsible Irish Secretary.

MR. GROGAN considered it as somewhat remarkable that on a Bill of such importance as that then before them—a Bill for the abolishing an office which had existed in Ireland for centuries—no Member of the Cabinet should, up to that moment, have addressed the House. The first person to speak in favour of it was the hon. and learned Member for Sheffield, a Gentleman whose arguments were easily answered. That hon. Gentleman, and the hon. Member for Donegal, were the only persons to support the Bill. The hon. and learned Member for Sheffield desired to abolish the office of Lord Lieutenant on the ground that they would have a responsible Secretary in that House. Why, that might be attained by having the Secretary for Ireland a Member of the Cabinet—that which the present Irish Secretary was not; but that the preceding Irish Secretaries had been. There was, then, no necessity for making this change, and in so doing abolishing an office, when it was notorious that the Irish people were induced to support the Union on the promise that a Lord Lieutenant should be continued. The hon. and learned Member for Sheffield boasted of what the Reform Parliament had done for Ireland. He (Mr. Grogan) said that the policy pursued by that Parliament—he said nothing of its motives—had been most injurious in its consequences to Ireland. The trade of Ireland had been destroyed, upon an application from the Parliament here to that effect. The woollen trade had been so destroyed; but the hon. and learned Gentleman said that no such thing could occur at the present day. What was the fact? That which was the only trade of Ireland—its agriculture—was annihilated; and this happened for the benefit of the manufacturing interests here, who deemed it to be very convenient to increase their foreign trade. He asked them what single interest of Ireland had been benefited by their legislation? Let the hon. and learned Member for Sheffield show him one class in Ireland that had been benefited by their legislation. He (Mr. Grogan) could point to many that had been injured by it. That which they complained of in Ireland was the system of centralisation—the system which promoted absenteeism from Ireland; and the noble Lord's argument in favour of his Bill went to show that the evil would be extended still further by this Bill. The policy for establishing a fourth Secretary of State was more than doubtful; and as to their policy, it was proved by the fact that in the short space of three years not less than 500,000 acres of wheat land had been thrown out of cultivation.

Lord J. RUSSELL said, that the hon. Member who had just sat down seemed surprised that no Member of the Government had yet risen in defence of the measure now before the House. But the hon. Gentleman, and those who preceded him, could not, he thought, fail to perceive that the Government had taken the usual course; and that after introducing the measure, and stating the reasons which had induced the Government to bring it forward, they had been waiting, on the second reading, to hear what objections could be urged against it. Having waited, therefore, he found from hon. Gentlemen that in fact the objections which they had to urge were not directed against the present measure; but, whether they were good or bad, were almost all directed against legislation by Parliament for the united kingdom, and if these objections were good for anything, they tended, not to maintain a Lord Lieutenant in Ireland, but to repeal the Union. One of the topics on which the hon. Gentlemon dwelt, namely, the repeal of the corn laws, which the hon. and gallant Member for Portarlington said had been most injurious to Ireland, was not connected in any way with the maintenance of the Lord Lieutenant. The decision for a repeal of the corn laws was come to by a Parliament of the united kingdom; and unless there had been a Parliament sitting in Dublin, that Act was sure to have passed, whether there was a Lord Lieutenant or not. The arguments which hon. Gentlemen had used, in some cases unceremoniously, had put them, not in the situation of objectors to the removal of the Lord Lieutenant, but of repealers of the legislative Union. He would not now enter into the question of the injuries said to have been inflicted on Ireland by William III.; he gave up William III. to those Gentlemen who had been pleased to attack him, and abandoned his memory altogether. The question at present before the House was that of the maintenance or abolition of the office of Lord Lieutenant. Hon. Gentlemen seemed to think that, by pronouncing a single word, they uttered the condemnation of a measure which the Government had brought forward after considerable deliberation. They said that the measure tended to "centralisation"—a word now in very common use. There were occasions when that word was properly used, as when local powers were proposed to be transferred to the central Government; it might be argued, whether rightly or wrongly, that these local powers ought to be preserved, and that such centralisation should not take place. With respect to the Imperial parts of administration, he had never heard any one deny, unless there were insuperable objections to it, that it was desirable to have the Government in one place, so that persons in different departments might readily confer with each other—that Ministers might easily communicate with their Colleagues, so that they might be enabled to form their measures in such a way as was calculated to promote the general welfare of the empire. These were advantages which he believed no one had denied. The objection hitherto urged against the adoption of such a measure as the present, was the time that was consumed in making communications with Ireland. This argument might have been of a valid character formerly; and at present, with regard to particular parts of the empire, it was of a binding character. With regard to India and Canada, those countries must have a local administration; for it never could happen that they could communicate in due time with India and Canada in the affairs of these countries. Did this obstacle now exist with regard to Ireland? He recollected the time when a Lord Lieutenant might be three or four days performing his journey to Holyhead, and be forty-eight hours more on his voyage to Dublin; or even, as had happened, he might be a week at sea. At that time the Government might justly say that it could not trust to the winds, or to the chances of the delays of a long journey, and therefore they must place a man in Ireland with the power of administering the affairs of that country in his own hands; by those means avoiding the stormy and adverse gales that might impede the intercourse between the two countries. But now these evils had been done away with; and by means of the progress of mechanical science, they had succeeded in doing that which the gods had formerly been called upon in vain to do, namely, annihilate space and time. Those objections and obstacles which formerly were urged no longer exist; so that they might now observe the rule, that there should be one general Government for the united kingdom, which should take upon itself the administration of affairs. This was the reason for the introduction of the Bill before the House at the present time. He had stated, on a former occasion, the general reasons and arguments in favour of this measure; and he had also stated some evils which were connected with the continuation of the Lord Lieutenant in Dublin; and he had hitherto heard no answer to them. He had said, he thought that party spirit in Ireland, which was generally of a very violent and vehement nature, was embittered by the continuance of a separate authority in that country; for if the Lord Lieutenant was known to be favourable to one of these parties, it gave rise to great hostility on the part of the other party, and thus it proved most injurious to the general administration of the country. He did not wish to repeat to the House what he said on that occasion; but there were instances which must be in the recollection of all. Such, for instance, as the hostility manifested towards the Government of the Marquess of Normanby by a great part of the nobility and gentry of Ireland; and, on the other hand, the hostility shown by large masses of the people to the administration of a Lord Lieutenant of opposite politics. In such instances, they found party spirit of a far more bitter nature than it would have been if the administration of affairs had rested in this country. Hon. Members had stated that a number of gentlemen residing in different parts of Ireland went at particular seasons to Dublin, in consequence of the Lord Lieutenant holding a court there, and that their expenditure in consequence amounted to a large sum. This might, no doubt, be a very excellent reason for the representatives of Dublin to urge; but if there was no court at that place, the gentlemen would still have their money to spend: and, for his own part, he believed it would be more advantageous if they spent it in living on their own estates, than in going to a distance to do so. He did not see any reason, as the two countries were so close, for the necessity of having more than one Court, which would be held by the Sovereign of the united kingdom; nor did he perceive the necessity of there being a reflection and imitation of Royalty in Dublin. The reason he had just alluded to could apply only to Dublin; but, with respect to Cork or Limerick, the Lord Lieutenant's court could have no more to do with those places than if it was in London. The same facilities for communications from these places would exist with the Secretary of State in this country as there now was with the Lord Lieutenant. That part of the Bill which he had heard the most objected to, but into which he did not then wish to enter, was in respect to the appointing an additional Secretary of State. It was said that it would be much better to have but one Secretary of State to administer the whole of the internal affairs of the united kingdom; but when they went into Committee on the Bill, he should be able to show that there were so many questions of administration relating to Ireland constantly arising, that it was desirable there should be a Minister to have this department, and this department only, and who should be responsible for its administration. The hon. Gentleman who spoke last said, that all the advantages which were proposed to be attained by having this additional Secretary of State could be effected by the Secretary for Ireland, as the office was now constituted, having a seat in the Cabinet; but the hon. Gentleman did not see the weight of the objection to this, as the circumstance was, that the Chief Secretary was only the Secretary to the Lord Lieutenant. The Cabinet was appointed for the whole kingdom, in which the Ministers of the several departments had to bring forward their different propositions for consideration in framing instructions for the administration of affairs, so that when the Chief Secretary for Ireland was sitting in the Cabinet, he was giving orders to the Lord Lieutenant; but immediately on his arrival in Ireland, the Lord Lieutenant was his master. This was an anomaly that could not be got over, and he believed that great inconveniences arose in the administration of Irish affairs, in consequence of there not being a person in this country who was responsible for that department, with whom the rest of the Government could communicate from day to day. That advantage would be obtained by passing this measure. They would thus have a Minister who would be able directly to confer with his Colleagues on the measures to be brought forward, and who would be able to defend either in that or the other House of Parliament the administration of any measures for which he might be responsible, and could show whether or not he was pursuing such a course as would afford satisfaction to Ireland, and at the same time promote the great interests of the empire at large. He believed this change would tend more and more to make the legislation for Ireland similar to that for England. The hon. Member for the University of Dublin said, if he (Lord J. Russell) had stated that the object of this measure was to make a change in the legislation for Ireland, so as to make it more in harmony with the legislation of this country, he should not have opposed it. Now he (Lord J. Russell) thought that it was quite unnecessary on his part to make any such statement, for he had hardly ever spoken on an Irish subject in which he had not dwelt on the importance and advantage of attaining that object. He would refer on this point to what he had said on the Municipal Corporations Bill for Ireland, when he had repeatedly urged upon the House his anxious desire that the Irish should feel that they enjoyed all the advantages and privileges possessed by the inhabitants of this part of the united kingdom. The hon. and gallant Member for Portarlington must excuse him (Lord J. Russell) when he referred to the rather extraordinary language which fell from him just after that House had declared that it would make a large extension of the franchise in Ireland, and make it as far as possible correspond with the franchise which the people of England enjoyed. When a large majority of the House had so recently adopted a measure for that purpose, it was rather disappointing to hear an hon. Member say that no measures had been brought forward by the Government, or supported and adopted by that House, which were not introduced for the injury of Ireland. They had heard a great deal respecting ministers' money, and the evils which arose from its being levied in Ireland; and no doubt when they met next year, and Her Majesty's Ministers brought forward a measure for its abolition, they would be told that ministers' money was a blessing to Ireland, and that nothing but a determination on the part of the Government for the ruin of Ireland could have induced it to propose such a Bill. Such was the mode in which some Gentlemen argued on the affairs of Ireland. This measure had been under consideration ever since the Earl of Clarendon had been sent to Ireland; and last August he (Lord J. Russell) wrote to the Earl of Clarendon, and having referred to the termination of the famine in 1847, and to there being an end of the perils of 1848, he asked whether he should be justified, in the course of the present Session, in bringing forward a measure for the abolition of the office of the Lord Lieutenant. His noble Friend after having given the most mature consideration to the matter, assented to the proposal, and it was in consequence, with his advice and counsel, the measure had been brought forward.

Mr. ANSTEY said, as he, with many other hon. Members connected with Ireland, were anxious to address the House on this subject, but who had not been fortunate enough to catch the Speaker's eye, he thought it was not too much on his part to ask for an adjournment of the debate, notwithstanding the understanding that prevailed during the Session that a debate should not be adjourned after the Prime Minister had addressed the House.

Lord J. RUSSELL would not agree to an adjournment. He trusted the very useful course which had been adopted during the present Session, of abstaining as far as possible from having adjourned debates, would not be departed from in this instance, as the measure would be often under discussion in its future stages.

Mr. T. M'CULLAGH thought it would be better at once to assent to the adjournment, as it was desirable that the people of Ireland should see that the measure had been fully discussed.

Mr. F. FRENCH observed, that there were Members in that House, both Irish and English, whose opinions it was most desirable to have on this subject. He believed the greatest man in England, the Duke of Wellington, had not changed his opinion as to the inexpediency of such a measure as this. He believed also the right hon. Baronet the Member for Tamworth had not changed his opinion on the subject; and it was most desirable, before they went to a division, that that right hon. Gentleman should let the House know what he thought of this measure.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 63; Noes 188: Majority 125.

Question again proposed.

Mr. E. B. ROCHE moved the adjournment of the debate, on the ground that the discussion had not commenced before half-past eight, and there had not been afforded an opportunity of fully considering the Bill.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

The O'GORMAN MAHON seconded the Motion, and declared his willingness to persevere till six o'clock in the morning to gain his point. He thought Irish Members should have an opportunity of stating their opinions upon a Bill of such magnitude.

Sir R. PEEL said, he had given his vote for the adjournment, as he did not think it unreasonable that, considering only four hours had been appropriated to discuss the second reading of a Bill making such a great change in the internal administration of Ireland, and many Irish Gentlemen wished to declare their sentiments upon it, there should be another opportunity for their doing so. At the same time that he was desirous of deferring to the sense of the majority of the House, and was perfectly prepared to state his opinion on this Bill, giving however precedence to Irish Gentlemen on this subject; yet, as he saw the hon. and learned Member for Dublin University was anxious to deliver his opinions, and he (Sir R. Peel) had never heard a speech from that hon. and learned Gentleman that did not make him desirous of hearing him again; and as many Irish Members wished also to speak, he thought the Motion for an adjournment was not unreasonable.

Lord J. RUSSELL said, that after the division which had just been come to, he was ready to consent to the adjournment of the debate.

Motion, by leave, withdrawn.

Debate adjourned till Monday next.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 11, 1850.

Minutes.] Public Bills.—*Reported.*—Court of Chancery (County Palatine of Lancaster).
3ª Railway Audit Bill (No. 2).

AUSTRALIAN COLONIES GOVERNMENT BILL.

Order of the Day for the House to be put into Committee read.

House in Committee.

Lord MONTEAGLE rose to bring forward the Motion of which he had given notice. The question which he was about to raise was one of the utmost importance to the Australian colonies, in relation to their primary and fundamental interests. That question was, whether, in establishing a new constitution in these colonies, Parliament was prepared to adopt the principle of a single chamber, or whether in New South Wales they intended to revert to the old constitutional principle of a legislature composed of two chambers, analogous to the order of things established in the mother country. He thought that the arguments which had been brought forward in favour of the Bill in its present stage were founded upon a mistake in a matter of fact. The noble Earl at the head of the Colonial Department had stated that in his opinion, the voice of the colonists had been pronounced in favour of a single chamber. Now, he should endeavour to show their Lordships, upon various authorities, and, among others, upon the authority of his noble Friend himself, that he was in error in asserting that a government by one chamber was deemed by our Australian colonies preferable to a legislature composed of two. But even in the absence of such direct proof, he presumed it would be conceded that unless there could be clearly shown to exist special and exceptional reasons to the contrary, the result of all practical experience was such as strongly to recommend the adoption of the double chamber in the case now before the House. If any exceptional circumstances did exist, he wanted to know what they were. If on a late occasion their Lordships had wisely consented to hear at their bar authorities upon the subject, fully competent, as they were, to speak to the feeling of the colonists, much of the trouble which their Lordships would have to endure in listening to his argument in favour of a double chamber might have been spared. But as their Lordships had unfortunately come to a different conclusion, and rejected the prayer of Mr. Lowe and Mr. Scott's petition, in the absence of better authority, it would be his duty to refer to evidence already existing and bearing upon the subject. They had already had the experience of the great colonial possessions of this country in exemplifying the relative advantages of a single or a double chamber. Our colonies did not all of them, it was true, commence with two chambers; but all our British colonies, properly so called, had adopted two chambers as soon as they found that form of government practicable; and they had found it practicable, when their social condition was much less advanced than that of the Australian colonies at present. Our colonists, indeed, had universally held to one general principle, to which they had adhered from the outset, to the present time, and that was a love for the institutions of their mother country, and a desire to adapt those institutions to their condition. He found that principle very clearly and forcibly propounded in one of his noble and learned Friend's (Lord Brougham's) earliest productions—namely, his *Colonial Policy.* The whole of the constitutional part of this question had, their Lordships would recollect, come under discussion in the memorable debate on the Quebec Bill, memorable for the results to which it led. The question was not at that time whether there ought to be a double chamber or a single chamber; that was assumed throughout as incontrovertible, but the question in controversy was how the upper chamber should be constituted. A preference of two chambers rather than one was indeed agreed to by universal consent. Mr. Fox considered two chambers to be so essential to good legislation, that, with all his love of popular rights, he asserted any second chamber, any council chosen in any manner, to be preferable to a single assembly. As much might turn on the capacity of the Australian colonies to receive a second chamber at present, he begged leave to call the attention of their Lordships to the fact that, at the time of the debates on the Canada Bill, Upper Canada contained a population of not more than 10,000 individuals; and yet Fox, Pitt, Burke, and all the great men of that day, assumed as an admitted fact, that it was essential to the good government even of an infant colony that it should have a second chamber. New South Wales contained a population of 220,000 in 1848. Would Parliament refuse to them, on the ground of unfitness, what Pitt had granted to 10,000 Upper Canadians? He would next refer to that wider experience which this country had derived from our earlier possessions, those extensive provinces which were once ours in North America, and which now constituted the United States. The experience thence obtained led to the same conclusion, that it was preferable to have a legislature of two chambers rather than of one. Even when those colonies, after their separation from Great Britain, established their republican confederation, they adhered to the principle of a double chamber; after mature deliberation they determined to adopt it in their congress; and this after an elaborate comparison of the relative advantages and disadvantages of a double and single chamber. Hence originated their House of Representatives and their Senate. Experience had fully justified the wisdom of their choice. He then quoted at great length the opinions of Chief Justice Storey and Chancellor Kent, in which those great lawyers gave their reasons for deciding that a double was in all respects superior to a single chamber. Their authorities were more important as coming from citizens of a democratic Republic. The world had seen a sad and remarkable instance of the mischievous and dangerous effects arising from a single chamber in the French constitution of 1791—a chamber which he looked upon as a monument of human folly. And yet that experiment had again been fatally tried in our own times in France, and was likely to be attended again with the same consequences. He challenged his noble Friend, with all his knowledge on the subject, to show him an instance in which the experiment of a single chamber had been permanently successful, whilst he would show his noble Friend many instances in which it had been unsuccessful. In Rhode Island and in Carolina the form of a single chamber had been tried, and after a long trial it had been abandoned, and two chambers were finally established. The constitution of Rhode Island was thus described in Mr. Roebuck's valuable work on the Colonies, p. 56:—

> "The constitution is supposed to have been drawn by Clarendon. The assistants sat with the representatives, but they claimed a right to consider separately the resolutions passed. A shorter, simpler, and more honest proposal would have been to form a separate chamber. The representatives resisted their pretensions, 'yet,' says Mr. Bancroft, 'the authority of the patricians was long maintained, sometimes by wise delay, sometimes by a judicious sermon, till a judicious compromise divided the court into two branches, and gave to each a negative on the other.' The case of Carolina was equally striking. There the constitution had been framed by John Locke, but founded as it was on a false principle, its failure was complete."

Yet his noble Friend, after having such examples of failures before him, was about, not only to continue one chamber where it was already established, but to establish it where it had never as yet existed, and where, he believed, it was not asked for. He took it for granted that he might now assume that he had shown that a double chamber had hitherto been found to work more beneficially than a single one. He would, therefore, proceed to explain to the House the progress of our later legislation on this subject; but, first, he would call his noble Friend (Earl Grey) into court as a witness in favour of the expediency of a second chamber. His noble Friend (Earl Grey) had been a great dealer in constitutions. He would not say that all the coin which his noble Friend had put into circulation was pure coin—some of it certainly had a Brummagem look about it. His noble Friend had at a former time tried his hand at constitution-mongering in New South Wales. He had also tried his skill in constitution-mongering in New Zealand. In New Zealand his noble Friend established a double chamber. In 1847 he proposed to establish in Australia a double chamber. He had recommended such an institution in the warmest terms to the able men whom he had appointed governors of those colonies. What, then, had since happened to change the noble Earl's previous opinion? On the 31st of July, 1847, Earl Grey wrote to Sir Charles Fitzroy—

> "One of the most material of the proposed constitutional changes is that which involves a return to the old form of colonial constitutions. In one case, the legislature is divided into two separate houses or chambers; in the other, the representatives of the people and the nominees of the Crown form a single body under the title of the Legislative Council. It does not appear to me that the practical working of this last system would by any means justify the conclusion that it is an improvement on that which it was formerly the practice to adopt; on the contrary, I see many reasons for the belief that the more ancient system, by which every law was submitted to the separate consideration of two distinct houses, and required their joint consent for its enactment, was the best calculated to insure judicious and prudent legislation."

On the 31st of July, 1848, his Lordship wrote again to Sir Charles Fitzroy in the following terms:—

> "As to the divisions of the council, your (Sir C. Fitzroy's) opinion, founded, as you state, on long practical experience, that it would be a decided improvement on the present form of the legislature, is one to which I have already stated my own adherence. Had, therefore, the general feeling of the colony responded in any degree to the views expressed by myself, I should have had no hesitation in advising Her Majesty's Government to lay before Parliament the measures necessary to accomplish the change. But it is not such a reform as I consider it to be at all incumbent on the Home Legislature to press on an unwilling or even an indifferent people."

He asked his noble Friend to state the grounds upon which he had abandoned, in 1850, all the sound principles and all the just arguments which he had thus twice enunciated in favour of a double chamber. Could he do so, more especially after the progress made by the Australian colonies, which he so forcibly described, and on which he had so justly congratulated the House—on which he justly prided himself. He would ask him why he considered two chambers less proper in 1850 than they were in 1847? How happened it, likewise, if Australia proposed the elements of a double chamber in 1847, that it did not possess them now? Population, trade, revenue, had all increased. He admitted the proposal of 1847 had failed. But why? Because, together with the sound principle of a double chamber, the noble Earl unfortunately introduced into his Bill the indefensible system of a double election. When the measure was sent out to the colony, it was treated, as he (Lord Monteagle) hoped their Lordships would treat the Bill now before them if it remained unchanged—it was laughed to scorn. Both the constitutions for New Zealand and Australia were suspended or withdrawn; and their Lordships would do well to compel the noble Earl either greatly to amend, or to withdraw, the present Bill in like manner. He would next show their Lordships that the colonists themselves, as well as the governors of the colonies, were in favour of a double chamber. Sir Charles Fitzroy, as he had already shown, Sir William Denison, and Sir George Grey (the Governor of New Zealand), as he would show presently, had declared their opinions decidedly in favour of two chambers. Sir Henry Young, the Governor of South Australia, had, in like manner, declared the opinions of the colonists to be in favour of the ancient system of a governor and two chambers. Sir William Denison, the Governor of Van Diemen's Land, had written to the following effect on August 15, 1848:—

"Under the peculiar circumstances of these colonies, I should most strenuously recommend the adoption of a second or upper chamber. Your Lordship can hardly form an idea of the character of the population. There is an essentially democratic spirit, which actuates the large mass of the community, and it is with a view to check this spirit that I suggest the formation of an upper chamber. The members of this, call it senate, or what you may, will be raised in some measure above the general level of society, independent of popular blame or approbation, but also free from the suspicion of government control; they will conciliate popular feeling, and hold a fair position between the executive and the legislature. Government should have as little as possible to do in the nomination or selection of the members."

On the 28th of December, 1849, Sir William Denison again wrote:—

"I agree with the Privy Council, that it is undesirable to press a reform upon an unwilling or indifferent people; but I much doubt whether the evidence is sufficient to prove that the people of New South Wales are unwilling to adopt two chambers. Indifferent they may be perhaps, but I submit, the welfare of the three colonies now about to be called into existence, might outweigh the indifference of New South Wales. I fear the proposed remedy of empowering the legislature to amend their constitution, by resolving single houses into two, will hardly meet the evil. It is not probable that they will originate a change to diminish their power, and tending to deprive each individual of the importance which attaches to himself. My opinion remains unchanged—every additional day adds to my conviction that it would be most desirable that when a change does take place, a second chamber should be constituted at once by Parliament. A large portion of the Members should be elected or rendered independent of the Government; otherwise they should hold for a long period, if not for life."

Sir George Grey, Governor of New Zealand, wrote on the 29th of November, 1848—

"That the reasons which induced him to recommend that the legislature should consist of two chambers were so obvious, that he need not trouble the Secretary of State with stating them."

Lord Grey having transmitted the despatch adopting a single chamber on the 3rd of August, 1848, to the Governor of South Australia, Sir Henry Young, on the 16th of November, 1849, described in the following terms Mr. Morphett's notice in favour of two chambers—the first nominated by the Crown and hereditary, the second elected. "These resolutions," he said, "may be described as a transfer to South Australia of the institutions of Great Britain, by which the grandeur of the empire has been enlarged and preserved." On the 17th of December, Sir H. Young communicated the resolutions adopted by the Council:—

"Two chambers, the upper chamber nominated for life, the second elected, with official heads of six departments, sitting and voting in right of office, without election. These recommendations favour the establishment of that early form of government, consisting of a governor and two chambers, which has prevailed in the older colonies, with the exception of New South Wales."

On the 22nd of December, 1849, he communicated the resolutions of Adelaide:—"Bill is generally approved of; but the federal assembly condemned, as well as the life nominees in the upper chamber." He (Lord Monteagle) had thus shown that all parties, including the noble Earl himself, were favourable to the system of a double chamber. But his noble Friend had taken a most extraordinary and unprecedented step to get himself out of the difficulties into which he had been plunged by his former experiments. He introduced a new principle unheard of before. He sought the aid of a Committee of the Privy Council to assist him in framing constitutions for the colonies, casting on them a responsibility which should have attached to himself alone. But he did not leave to those councillors the freedom of thought and action essential for offering sound advice. He had already prejudged the question, and committed the Government. The Committee of Council felt themselves bound by what the Secretary of State had already announced. He only allowed them to advise, so far as he was himself pleased to take their advice. It was, on the whole, the greatest farce ever performed. He wished to speak with the highest respect and consideration of the Lord Chief Justice of the Queen's Bench, of his excellent friend, Mr. Labouchere, of that most able and efficient public servant, Sir James Stephen, who had recently gone into an honourable retirement, after a life spent to the benefit of this country, and so greatly to his own credit, and of Sir E. Ryan, the Railway Commissioner. But of what avail were their high principles, their intellectual powers, or their varied information, when the noble Earl only consulted them with the intention of following their advice when it coincided with his own? To call in two members of his own cabinet to decide whether he was right in his former decision, as Secretary for the Colonies, was one of the most preposterous instances of unmeaning formality which he had ever heard of. The conduct of his noble Friend reminded him strongly of a couplet in Pope's "January and May"—

> "Firm and determined in his mind was he,
> As those who ask advice are wont to be."

The noble Earl asked the advice of his appointed councillors, having firmly determined in his own mind beforehand what course he would pursue. It was what Mr. Carlyle would call "a great sham," to call upon that Committee of Privy Council for advice when the noble Earl knew they could not give it freely. If he had failed altogether in his argument hitherto, he had one authority in reserve, which he felt should be conclusive with his noble Friend. What had been the last act of the Colonial Government in regard to new forms of constitution for the colonies? Why, this—The Secretary of State for the Colonial Department was called upon to give a form of government to the Cape of Good Hope. He had given it. The Cape was a Crown colony. The interference of Parliament was not required to settle the form of its constitution. The noble Earl was neither thwarted in his own endeavour nor driven into a different course by Parliamentary opposition. Yet into the constitution which he had devised for the Cape, he had avowedly introduced the principle of two chambers; he had done so of his own free will and seeking, and of his own preference, founded upon a recommendation from the Privy Council—a tribunal which, in that instance, left free and untrammelled, had recommended two chambers, as they would have done in respect to Australia, had they been equally free to express their preference. Now, it followed either that the noble Earl was entirely in error with regard to the Cape, or that the circumstances which made two chambers desirable at the Cape, did not exist in other colonies. But what were the circumstances which distinguished the Cape from Australia at the time the new constitution was devised? The Cape was in open resistance to the law. Australia was tranquil and obedient. He had already upon a former occasion said that the resistance of the Cape colonists was altogether unjustifiable. They might have had fair grounds of complaint. Their interests might have been slighted and disregarded; but still he thought their open resistance to the law of the land was without excuse. They virtually imprisoned, and attempted to starve out the naval, military, and civil servants of the Crown, in order to compel the governor, and those colonists who differed from them, to submit to their dictation. This was altogether unjustifiable, even supposing their case to have been a very hard one. He, for one, never would have given his assent to the submission of the Government to such violent dictation. Yet it was to that colony of the Cape, which thus had triumphed over the noble Earl, the Government, and the Crown, that the noble Earl gave the boon of a legislature formed of two chambers; whilst to those colonists who had been obedient, peaceable, and loyal, he was prepared to refuse it. But there remained the question, Was there some little doubt in what manner this single chamber would work? He knew that it was not well to prophesy evil results from acts of the Legislature. Such prophecies had sometimes the effect of leading to their own accomplishment. He could not help looking forward with great alarm to the effects that might follow in one colony, from the example of successful violence in another. He dreaded to see the spirit of man roused to resistance. Since the days when the chests of tea were broken open and their contents thrown into the harbour of Boston, so fatal an example as that of the Cape had not been given. To yield to the rioters at the Cape that which they refused to a colony more advanced, more enlightened, and more fitted to deal with constitutional forms, he feared, could hardly fail to give rise to a deep feeling of discontent. A case had been cited on a former night which seemed to weaken his argument for two chambers. The noble Lord (Lord Stanley) stated that a double chamber had been tried in 1832 in Newfoundland, and had been found wanting. Such was the case, but he must observe the circumstances were not analogous, The Newfoundland experiment was too rash a one to succeed. There was no property qualification, and the members were elected by almost universal suffrage. The consequence was that great confusion arose, and that Parliament suspended the existing form of government from 1842 to 1846—the two chambers were merged into one, and this charge succeeded: thus far his noble Friend was right. What since had happened? Why, in 1847 the double chamber was restored, and the government had worked there perfectly well ever since. He begged to apologise for having so long taken up the time of the House. He had dealt with facts, and with facts only, and those facts were, he believed, quite sufficient to establish the principle for which he was contending. He had not dwelt on the example of this country: it was unnecessary he should do. In defending two chambers in the assembly where he stood, it would be enough for him to say, as a summing up of his argument — *Si argumentum quœris, circumspice.* Would the noble Earl attempt to apply his doctrine of one assembly to the mother country? If he were not dealing with colonists, would he have attempted to refuse them the best constitutional form of legislature? He denied that the noble Earl was justified in endeavouring to establish his case, as he had done, by quotations from colonial newspapers. If newspapers were to settle the argument, he too could bring down colonial newspapers which dealt with his noble Friend and with his measures in a manner that he (Lord Monteagle) thought to be neither respectful nor just. But he denied that newspapers could safely be relied on as evidence in the case. He could refer to Australian papers expressing sentiments very different from those on which his noble Friend relied. His noble Friend should have sought more authoritative support. Why did not the noble Earl direct the governors of the different colonies to lay his Bill before their respective assemblies, and thus seek and obtain an authoritative declaration of the opinions of the colonies? In the absence of legislative declarations he was disposed to consult the petitions from Australia. If there was one argument, if there was one prayer which ran through the whole of the petitions and memorials he had presented, it was that their institutions should be assimilated to those of the mother country. They seemed—and long might they preserve the feeling!—they seemed still desirous to cherish an unbounded attachment to the mother country, an unshaken loyalty to the Crown. It was true that they had entreated the home authorities to make no alteration in their constitution without their consent. But under what circumstances was that request made? It was at a time when they had been frightened from their propriety by the acts of the noble Earl; when he had proposed to inflict upon the colonies that most desperate of all quackeries, the system of double election—providing that the people should elect municipal councils, who, in their turn, were to elect the assembly. It was when the colonists felt equal indignation and disgust at being insulted with that proposition, that they asked that nothing might in future be done without their own consent. But if the noble Earl assented to their principle, he could not justify the present Bill. If Parliament were bound to do nothing without the previous consent of the colonists, how could the noble Earl introduce so great a novelty as his proposed federal constitution; how could he justify that novelty, which had never been heard of in the Bill of 1842? But he did not think that mistrust and discontent would be called forth by the establishment of such a double chamber as he should recommend. He proposed that the upper as well as the lower house should be elective, the members being of a graver age, and elected for a longer period, than the members of the second chamber; in that way they would obtain a real conservative but at the same time a popular chamber. He would put it to his noble Friend himself, who had laid down so broadly the principle of responsible government—Did he feel very comfortable in anticipating the first burst of popular feeling upon any question at issue between the Home Government and the colonies, when that feeling came to be expressed by all the vehemence of a single representative chamber? Did he think there would be no advantage in having some intervening authority that would break the wave of popular feeling, before it burst in Downing-street? His noble Friend would obtain protection as well as guidance, the colonists would obtain wisdom from the counsel even of a numerical minority sitting in another chamber—a minority it might be in point of numbers, but not a minority in point of weight and experience. He would venture to prophesy that if the principle of a single chamber were adopted, invested with an unlimited power of varying their form of constitution, the new constitution that would be returned to this country would be a legislature formed of a single chamber, but excluding all nominees—in fact, a simple democracy, which he contended this Bill would give the colony an absolute power of creating; and he would say that no Secretary of State, and least of all the noble Lord who had expressed himself on the subject of responsible colonial government in a manner which he thought somewhat dangerous to himself and to the Government, would, after conferring unrestrained powers, dare to interpose the Queen's prerogative to negative such a colonial act. He therefore called on their Lordships to weigh well the importance of this question, and to secure to the people of Australia the blessings of the constitution under which the mother country had flourished. He concluded by moving as an Amendment—

> "After the words 'and be it enacted,' to insert the following words:—'That there shall be within each of the said colonies of New South Wales and Victoria a Legislative Council and a Representative Assembly.'"

Earl GREY would not now occupy much of their Lordships' time, the greater part of the arguments having been previously disposed of. The noble Lord had gone very carefully and very elaborately into the abstract political question of the merit of one or two chambers; he had gone into an historical survey of the different forms of constitution in our ancient colonies, and those of the United States and other parts of the world; he had indulged in a good deal of criticism on his (Earl Grey's) measure—which criticism, at the proper time, there would, he believed, be no difficulty in answering—he had mixed up with it a good deal of very harmless banter, and some jokes which their Lordships might consider to be a little ponderous. The noble Lord had done all this, but in the whole course of his speech he had not even touched the real argument which he (Earl Grey) took the liberty last night of pressing upon their Lordships. The noble Lord had not shown how it was possible to adopt his views of dividing the legislature of New South Wales into two bodies without flying directly in the face of the recorded wishes of the colonists in this matter. The noble Lord had not ventured to deny that, from the petitions then upon their Lordships' table from all parts of the colony of New South Wales, it appeared that a unanimous resolution had been there carried, in which the colonists asked that no change, however small, should be made in their existing institutions without their previous assent being given. He (Earl Grey) had said on the previous evening, and he would not then repeat the argument, that when they once gave representative institutions to a colony, such a colony had a right to demand that no change should be made in those institutions without their concurrence; and he would repeat that he, for one, was not prepared to be the Secretary of State who should send out to those colonies a complete and total alteration of the system of government under which they now live, upon which alteration they had not been consulted. The noble Lord had said—"Introduce into these colonies our own institutions." That was very fine, but unhappily it was impossible to do so. A House of Lords existed in this kingdom; but it existed nowhere else on the face of the earth. It had grown up from the time of the Conquest; but it was an institution which they could no more create than they could create one of the magnificent oak trees which had been planted at the Conquest, and which were now crumbling into dust. He had showed their Lordships, on the previous evening, that the present system of government in the colony of New South Wales had worked well and satisfactorily; and upon that ground, and upon that ground alone, he asked their Lordships not to disturb it. The noble Lord had not attempted to pursue his argument, and therefore, without following him into his elaborate examination of the merits of two chambers, he (Earl Grey) would ask their Lordships to concede to him this plain and simple principle, that they should not disturb that which they found to work satisfactorily to the inhabitants of New South Wales, and to leave that constitution practically unaltered, except in those respects in which the colonists themselves had signified their desire for a change.

Lord ABINGER said, the inevitable consequence of giving the colonies a single chamber, and then giving that chamber the power of making such alterations in their constitution as they thought fit, would be that they would adopt, not the principle of a double chamber, but a single one with Government nominees excluded, making their constitution in fact a pure democracy. Some years ago he had much intercourse with people who were very conversant with the affairs of the colony of New South Wales; and from the information they gave him, he was assured there was a strong democratic feeling in New South Wales. There were two ways of governing that country; and, unfortunately, the noble Earl had chosen the worst of the two.

Lord LYTTELTON could not admit that when the present constitution was granted to New South Wales, in 1842, it was ever intended to withdraw from this country the power of altering it without the consent of the colonists. It appeared to him that it was the duty of the mother country to give the colonies the best constitution which, under existing circumstances, could be prepared for them. Besides, the colonists had, over and over again, petitioned that the principles of the British constitution should be extended to them, and one of those principles was undoubtedly the existence of a double chamber. His noble Friend opposite (Earl Grey) had not dwelt to-night on an argument which, elsewhere, had had great stress laid upon it, that there were not the materials for a double chamber; but he contended that it would be of great advantage to lay down the principle, leaving the colonists to fill up the outline as their circumstances might warrant them. They were all agreed on the question that in the abstract a double chamber possessed a great advantage over a single one, and in addition to the other authorities on that subject that had already been quoted by his noble Friend, he would quote an extract from a work by the noble and learned Lord who had just left the House (Lord Brougham), That noble and learned writer, looking forward to a case of almost political perfection, said that legislation by a single chamber was less likely to be adopted the more enlightened communities became, and proceeded to show that the use of a double chamber was in preventing evils arising from overhasty decisions. In this view, therefore, he contended that it would be of great value to the future destinies of the colonies, that they should lay down the legislative machinery for a second chamber, leaving it to the colonies themselves to decide how that second chamber should be constituted. If the noble Earl's policy were carried out, not only would they have a single chamber now, but it would be impossible that they should ever have a double chamber, because there was no resisting the argument of Sir W. Denison, that it was not in the least likely that a single chamber would ever adopt the principle of a double chamber, which would operate as a check upon their own proceedings. He did hope, therefore, that the House would adopt his noble Friend's Amendment, leaving the details to be settled by the colonists themselves.

The Earl of ST. GERMANS concurred with those who argued that a double chamber was, considered in the abstract, the more advantageous form of constitution; but it was a different thing to say what, in the abstract, ought to be, and to vote for an Amendment which would have the effect of disappointing the hopes held out to the colonies. His noble Friend, who moved the Amendment, told them that the object he had in view was the establishment of an elective double chamber. Now, it appeared to him that a fallacy ran through the whole circle of his noble Friend's speech in this respect. He spoke of making the colonial institutions identical with those of this country. But surely he did not mean to say that an elective upper chamber would bear any resemblance to the House of Lords? There could be no wider discrepancy than between an elective chamber and the House of Lords as it existed in this country; and yet the noble Lord insisted upon his proposition, in order to render the institutions of the colonies identical with those of the mother country. Then the noble Lord relied upon the despatches of the different governors as being in favour of his proposition; but no one could read the despatches of Sir Charles Fitzroy, Sir William Denison, or Sir Henry Young, without seeing that they never contemplated an elective chamber. What they wanted was a chamber of nominees, which would save them, in many cases, from the ungracious task of interposing their veto upon the acts of the legislature. And yet, notwithstanding this, his noble Friend had argued throughout as if the governors were in favour of a measure which, as the noble Lord who had last spoken (Lord Lyttelton) truly told them, had never been before the colonies at all. He looked with suspicion on the formation of a double chamber under existing circumstances, because he felt that if they took away the best men in the colony to form a second chamber, they would materially injure the character of the first;

and it must be remembered that there were not many among the settlers who would be ready to give their gratuitous services in aid of the government of the colonies. Many of the settlers resided a thousand miles from Sydney; and it was impossible for them to leave their flocks, their herds, and their farms, and reside, for several months in the year together, at Sydney. The choice of representatives must be confined, for the most part, to the residents in Sydney, and its neighbourhood. The present system was adopted by Lord Stanley in 1842 as the one best adapted to the then existing circumstances of the country; and the noble Lord who had just sat down declared that it had worked well. If that were the case, he saw no reason for interfering with it.

Lord WODEHOUSE: The noble Earl (Earl Grey), in support of this measure, had alleged that the Australian colonies were so fond of their present form of constitution, that it would be quite gratuitous on the part of their Lordships to make any alteration in it, as such alteration must prove highly disagreeable to the inhabitants of those colonies. Now, what were the real facts of the case? From the papers which had been laid upon their Lordships' table, it appeared that they were simply these. In the year 1847, the noble Earl the Secretary for the Colonies proposed to introduce into New South Wales an entirely new constitution, similar, or very nearly so, to the constitution which had been given to New Zealand; and the consequence was such as might be imagined—a storm of indignation arose in the colonies, and remonstrances were sent to this country against the Government measures. They prayed that they might not be subjected to crude experiments. They objected to two chambers; but it must be borne in mind that it was not to the principle of two chambers that they objected, but simply to two chambers, one of which would be entirely nominated by the Crown. The colonies never had the simple question, whether two elective chambers were better than one, brought before them. The only question which they had to consider was, how they could place the nominees of the Crown in such a situation that they should be of the least possible obstruction to the elective members. The colonies required, very naturally, that the nominees should be mixed up with the representatives of the colonies, and that they should not form a separate chamber of themselves, as they would thereby be enabled to place a veto on the proceedings of the representatives of the people. The colonies did not object to the principle of a second chamber; on the contrary, they distinctly prayed that their constitution might be assimilated as nearly as their circumstances would permit to the constitution of this country. And were not two elective chambers, representing the wants of the people in different ways, a much nearer resemblance to the spirit of the British constitution than this anomalous single chamber? But then their Lordships had been told, "Oh, all that is very true, but it was necessary that these colonies should have been trained to the exercise of representative institutions before you confer upon them the privileges of a double chamber." It was also objected that there were no materials in these colonies for two chambers; but if there were not materials for a second elective chamber, how could they find materials for nominees? How could they find persons of such influence as to be fitted, on the bare nomination of the Government, to control the votes of their elected colleagues in the same chamber? And it should be recollected that in the United States of America representative institutions had been granted to colonies of far less importance in population and wealth than the colonies in question. By the ordinance of 1787, for establishing a government in Ohio (which had been the basis of legislation on this subject ever since), it was provided that as soon as in any territory there should be 5,000 male inhabitants of full age, there should be established a legislature consisting of two elective chambers. And if their Lordships would take one of the latest examples, they would find that to the district of Oregon, by no means the most civilised portion of the United States, two chambers of legislature had been given, the first consisting of nine elective members, and the other of eighteen representatives of the people. And were they to be told that there was such a moral and intellectual inferiority in a colonial population, that the backwoodsmen of Oregon could afford materials for a senate, and they were not to be found in New South Wales, which, in 1848, exclusively of Port Phillip, had 170,000 inhabitants. As to the objection that such a senate would be too small for practical purposes, he need only point to the State of Delaware, where the senate consisted of only nine members, or New Hampshire, where it had twelve, as a refutation of their argument. He did not, however, agree with those who wished to establish an aristocracy in the Australian colonies; he did not think it likely aristocratical institutions would take root there: they were the result of long habit and old associations; but the necessity for a second chamber did not rest on these grounds. To prevent hasty legislation—to provide a nucleus of experienced members—and to combine together those conservative elements, always found in all populations, were the legitimate objects of a second chamber; which, he thought, might be attained by its members being fewer in number, with a higher property qualification, of greater age, and holding their office for a longer period. He thought if they passed this Bill in its present shape, they should commit a great error. If they believed, with him, that there were great and radical defects in this constitution—that in forcing it on the colonies they were about to forsake the tried paths of legislation—if they believed, with him, that they were about to disregard the experience of constitutional governments, and, above all, of the British constitution—if they believed that they were, by this Bill, about to give to the Australian colonies a constitution to which it was not safe to confide the interests either of the colonies or the empire at large, then they would adopt the Amendment of his noble Friend.

On Question,

Their Lordships divided:—Contents 20; Not-contents 22: Majority 2.

List of the CONTENTS.

EARLS.
Fitzwilliam
Waldegrave
Harrowby
Galloway
Nelson
Romney
Powis
BISHOP.
Salisbury
LORDS.
Bolton
Wodehouse
Kinnaird
Monteagle
De Tabley
Abinger
Redesdale
Lyttelton
Bayning
Polwarth
Kenyon
Colchester

List of the NOT-CONTENTS.

MARQUESSES.
Anglesey
Lansdowne
EARLS.
Carlisle
Chichester
Granville
Grey
Ilchester
Lismore
Minto
St. Germans
Shaftesbury
Stafford
BISHOP.
Limerick.
BARONS.
Ashburton
Beaumont
Byron
Camoys
Erskine
Foley
Langdale
Overstone
Saye and Sele

Resolved in the *Negative.*

On Clause 5, regulating the franchise,

LORD LYTTELTON said, he had given notice of an Amendment for reducing the franchise to one-half the amount at which it stood at present in New South Wales; but as the noble Earl intended introducing a clause on that subject, he should beg leave to withdraw his Amendment. In consequence of the great proportion of convicts in New South Wales, a high qualification was considered necessary in 1842; but the same necessity did not apply to the other colonies.

EARL GREY confessed that he had always thought the franchise in New South Wales too high; and the only reason the Bill was drawn as it stood was, that he did not wish to make any alteration in the existing state of things that could be avoided. However, as there was a very general feeling in favour of a reduction of the franchise, and as it was likely that the existing franchise would probably operate unfavourably at the first election in Victoria, he proposed to introduce the amendments suggested by the noble Lord, in a clause which he intended to submit for the approbation of the House.

Clause agreed to, as were Clauses 6 and 7.

On Clause 8,

LORD MONTEAGLE said, by this clause it was provided that, no matter what the capacity, numbers, or intelligence of the population of Western Australia might be, yet they were not to have the benefit of a constitution until they were prepared to pay all their expenses. He thought this a most severe restriction, as it should be recollected that, until a comparatively recent period, an annual vote was passed by the Imperial Parliament towards the expenses of the Government of Canada. The best way to get a revenue, and to render taxation palatable, was to give good government to a country. Certainly Van Diemen's Land had, for some years back, been obliged to borrow to the amount of 40,000*l.* to 50,000*l.* a year; but surely that was no reason why it should not have a constitution.

EARL GREY said, it was no new principle that representative government and provision for the public expenditure should go hand in hand; on the contrary, it was as old as the British constitution. Until the people of the colonies were able to pay the expenses of their own civil government, they had no right to expect the advantages of representative government; the two should go together. Every one knew that, to the want of money by the Crown, and the necessity of obtaining it from the House of Commons, the growth of our own liberties, or at least their establishment and security by the sanction of specific laws, were owing. His noble Friend said we had gone on an opposite principle in the case of Canada. Most certainly, if he (Earl Grey) wanted an instance to make out his own case, he should fix on that. In Canada, Parliament created representative institutions, but at the same time enabled the colonial government for a long time to be carried on by means of lavish grants voted by the House of Commons; and the consequence was, that in that country representative government remained a farce and a delusion until the system was put an end to by the pressure of economical considerations on the Imperial Government. If, in 1791, we had thrown on Canada the burden of her own government at the same time that we created representative institutions, those institutions would have been a reality.

LORD MONTEAGLE contended that the case of Canada offered no analogy to that with which their Lordships had now to deal. As to this country having formerly defrayed the expenses of colonial government, such things as colonial estimates still existed, and the salaries of West India governors, as the noble Earl well knew, were in some instances paid by this country.

EARL FITZWILLIAM thought that, although the withholding of a constitution might be right, the ground alleged for it was wrong. It was true that the power of the purse had given the House of Commons the means of exercising its functions; but the rights of the people were anterior to its origin, and this was a free country before the House of Commons furnished money to the Executive Government.

EARL GREY said, his statement was merely an historical one. If his view was practically true as regarded ourselves, which could not be disputed, he believed it also theoretically true as regarded the colonies. With respect to the salaries of governors, he thought it would be wise in all cases to pay them from the Imperial Treasury.

LORD LYTTELTON rejoiced that his noble Friend opposite (Earl Grey) should have come round to the views he now expressed as to the simultaneity of representative institutions and provision for public expenditure; for it was quite certain that at one period they had been very different. In 1846, when the Government to which he (Lord Lyttelton) had belonged were in office, the noble Earl pursued an entirely opposite course, being in favour of giving a representative constitution to Western Australia at once, before any step had been taken by the colonists to defray their own expenses.

Clause agreed to, as were the succeeding Clauses up to 13.

On Clause 14, charging the colonial revenues with expenses of collection, &c., subject to the regulations of the Commissioners of the Imperial Treasury,

LORD MONTEAGLE wished to know if any steps were to be taken for bringing this branch of the expenditure under the cognisance of the colonial legislatures?

EARL GREY concurred in the opinion that the colonies should have the fullest information as to the whole of the expenditure, but thought it might lead to inconvenience to insert any provision on the subject in an Act of Parliament like the present. Hitherto the Imperial Legislature and Government had kept exclusively in their own hands the whole management of the customs establishments of the colonies. He had lately been in communication on this subject with his right hon. Friend the Chancellor of the Exchequer, and he had very little doubt that they would be able to mature an arrangement by which very much greater control over their own customs establishments would be given to the local legislatures, still maintaining the principle, that the cost of collection should be paid out of the gross produce, laying at the same time the accounts of expenses before the legislature.

Clause agreed to, as were Clauses 15 to 24.

LORD LYTTELTON then proposed to introduce the following clause:—

> "That the Governors of Victoria, New South Wales, Van Diemen's Land, and South Australia respectively, with the advice of the Legislative Council, to be established in the colony under this Act, shall have leave to repeal all or any part of the Acts of 5 and 6 Victoria, and 9 and 10 Victoria, for the regulation of the sale of land or any Orders in Council issued by Her Majesty in pursuance of those Acts, or either of them, and to make further provisions for the management of the said waste lands and the appropriation of the revenue arising therefrom."

The noble Lord said, his object was to give the colonial legislature the power of dealing with the sale of the Crown lands, and especially with the price of them. With regard to Van Diemen's Land and South Australia, the value of the Crown lands was equal to the amount placed upon them by the Government, and he expected those colonies would not be disposed to meddle with the existing system; but he had been reluctantly brought to the conclusion that it was no longer possible to maintain through the whole extent of New South Wales and Port Phillip the existing price of unsold land at 1*l*. an acre. The extent of unsold lands in those colonies was so enormous, that, for an indefinite period it could not be suited for any other than pastoral occupation; and the franchise which the Government proposed proceeded entirely upon the fact of this kind of occupation. He contended that on this ground, it was expedient that the local legislatures should have the power he proposed to give to them. It was said, indeed, that Her Majesty's Government were prepared to concede this power to the federal assembly. The whole principle, if that were the case, was then given up; the whole point of the Land Sales Act was conceded when the federal assembly was intended to be invested with this power. He might perhaps be told that the machinery of the federal assembly had been blown to the winds; but whether that was so or not, it had been proved to demonstration that they would never be able to deal satisfactorily with the power of selling waste lands. Such being the case, Her Majesty's Government now proposed to leave the existing law intact. He could not believe they meant long to abide by that position; but in the meantime he submitted that Parliament was ripe for giving this power into the hands of the colonial legislatures. Few more popular measures could be adopted. Few measures would more conciliate the feelings of the colonists towards the whole Bill as it stood; and he saw no reason for doubting that the legislatures of Victoria and New South Wales would not deal with the subject consistently with the interests of those colonies. That they would reduce the price of land he had no doubt; but he believed they would not be inclined to alter in any other respect the principle of the existing Land Sales Act. They would be willing, he expected, to retain the existing division of the funds arising from such sales—one portion being appropriated to local improvements, and the other to the promotion of emigration. But if they were not, it would still be in the power of Her Majesty's Government, through the Colonial Office, to refuse their assent to any measure offered to them. The particular point with the colonies, however, would no doubt be that of price. At the same time he should object to the price of land in New South Wales being reduced to a nominal amount. The question, then, was one of degree; and he contended that the colonial legislature would, upon such a subject, have the best means of arriving at the best decision. The chief practical difficulty in the way of their dealing with the question would be the vested rights and interests of individuals who had purchased at a higher rate — that was, supposing the price to be reduced. On this point he would only express his belief that the difficulty would be fairly met by the colonial legislatures; but at the same time he would add, that since the year 1842, when the Land Sales Act passed, the sales of land, both in New South Wales and Port Phillip, had been exceedingly few in number. The vested interests which could interpose any practical difficulty were therefore extremely limited. It had also been urged that the proposal to give over the unsold lands of the Crown to the colonies, was an absurdity, inasmuch as, owing to their extent, they were out of the reach of the colonies. Certainly not, was his reply. The reserve would still be in the hands of the Crown. The practice had always been that the amount of land, such as could be easily ascertained, was, in nearly all the colonies, in the power of the colonies themselves to deal with; but at the same time he admitted it would be important, if his proposal should be adopted, that boundaries should be accurately defined. Entertaining these views, he should submit the clause which he had read, hoping by it to give the colonies practically the power of reducing the price, if they should think fit, of the unsold Crown lands.

EARL GREY said, he could not concur in the proposition of his noble Friend, because if the House adopted it, the greatest blow would be given to the future prosperity of all the Australian colonies. Up to the year 1831 the practice had been to grant lands to all applicants under certain rules and conditions. The object of those rules was to endeavour, as far as possible, to prevent land being claimed by parties who really did not belong to them. To accomplish that, a regulation was required that the amount of grant should be in proportion to the capital possessed by the settler, the grant to be resumable unless there was a certain amount of improvement upon the land. But, practically, all these useful regulations were a dead letter, for they were evaded in a manner which it was impossible by any vigilance to prevent. It was, therefore, suggested that, instead of giving land away, it ought to be sold, and the proceeds applied so as to increase the value of the land to the real settler, and to assist the emigrant. When the prices were settled under Lord Ripon's regulations, the greatest discontent was, no doubt, caused in the colonies; but the beneficial effect of the new system soon became obvious. In 1840 the whole subject was brought under the consideration of a Select Committee, and after a very long, full, and patient inquiry, that Committee came to the conclusion that the prices of land ought to be raised, but that in order to induce persons to purchase more largely, a parliamentary security ought to be afforded to them against the prices being subsequently reduced. This view was adopted by the noble Lord now at the head of the Government, and then the Colonial Secretary, but he did not remain in office long enough to carry it out. His noble Friend, however, (Lord Stanley), who succeeded him, brought in a Bill in 1842, founded on the report of the Committee, and, with the object of guaranteeing to future purchasers that their property should not be reduced in value, provision was made for the permanent fixing of a minimum price, and very large sales subsequently took place. He wished, indeed, to call their Lordships' especial attention to the effects which had resulted from the policy thus adopted. Their Lordships would recollect that it was in 1831 that the scheme was adopted of selling land, and applying the proceeds to emigration. Since that period—eighteen years ago—there had been realised by land sales no less than 2,500,000*l.*, all of which was expended in furtherance of emigration. Previously to the time in question the emigration to our Australian colonies consisted only of convicts and small numbers of persons in the superior classes of life. The lowest sum at which a passage—a steerage passage — could be obtained, amounted to upwards of 40*l.*, whereas, at the present time, a person could be conveyed to the colonies in question at an expense of from 12*l.* to 14*l.*, and with infinitely superior accommodation. Well, the number of persons sent out by means of this 2,500,000*l.*, amounted in the eighteen years to 117,000 souls. Nor was this all. The indirect effects of the system were to encourage voluntary emigration, which was carried on to the extent of 61,750 persons, making a grand total of 179,350 souls. Under these circumstances he had to ask the House not to shake the confidence of purchasers in the value of the commodity offered to them for sale. If they did so, the result would be seriously to check the tide of emigration, which, as he had shown, was setting so strongly towards the Australian shores. But there was still another party interested—a party formed by the general body of the British public at home. He maintained that the Crown lands were domains held by the Crown as trustee for the benefit of the great bulk of Her Majesty's subjects, and that it was of the greatest importance that they should not be engrossed by a few persons to the detriment of future purchasers. He found, however, that were the prices of the lands to be now lowered, they would be bought up by speculators to hold until the gradually increasing population enhanced the value of land, and then to be resold at a corresponding advance of prices. One of the arguments in favour of the proposition before the House was, that that proposition was popular in the colonies themselves. He did not, however, by any means admit that this was the case. He believed, on the contrary, that public opinion was much divided upon the point; that in South Australia the general feeling was in favour of the maintenance of existing laws as to land prices ; while even in New South Wales a considerable diversity of opinion existed. He believed, indeed, that the legislative council of that colony would not now support the report of a committee of their body, made in favour of a reduction of price. The resolution against the present minimum of price come to by the council in 1846 showed that there were only ninety-seven representatives in favour of reduction, the great body of the majority being made up of nominee members. He repeated, however, that he had every reason to believe that the report of the committee to which he had alluded did not embody the opinion of the council, or that of the colonial public. Their Lordships had had some experience of committees, and knew how very generally it happened that the formal opinion pronounced by a committee was in reality the opinion of its most active and influential member. He need only allude in conclusion to the petition most numerously signed by the squatter class in the colony, against any lowering of the price of lands, and to appeal to their Lordships if the system had produced the results which he had demonstrated—if under and by means of it, Australia had grown from being a mere convict settlement into the dignity and power of a nation—he appealed to them not to endanger or to change a course of policy, of which the results had been so uniformly advantageous.

LORD MONTEAGLE supported the Amendment. The system which his noble Friend had subverted was most vicious, and he deserved the thanks of the country for its abolition. But it did not follow that the system which he wished to introduce was a good or a beneficial one. The great argument which had been urged in favour of the proposition of his noble Friend was, that a large fund would be raised by the sale of those lands for local purposes, and for the promotion of emigration. But he contended that the sale of those lands would never realise the expectations of his noble Friend. It was a matter of great interest to the people. The noble Lord admitted that they were entitled to deal with the matter, yet he practically refused to them the privilege which he acknowledged in theory was their indisputable right. In the year 1842 a report was adopted condemning the land system. In the year 1844 another report was adopted of a similar effect; but before that was agreed to, a circular was sent round to the magistrates, who all concurred in it. In the year 1846 there was a resolution in council condemning the system; and in the year 1849 the present report was adopted. He entreated their Lordships to act upon the principle which they had hitherto adopted, to give the local legislature the power of acting for themselves, and to support the Amendment.

LORD LYTTELTON replied.

On Question,

Their Lordships divided :—Contents 18; Non-Contents 28: Majority 10.

List of the NOT-CONTENTS.

MARQUESSES.
Anglesey
Lansdowne
EARLS.
Chichester
Carlisle
Cowper
Granville
Grey
Harrowby
Ilchester
Lismore
Minto
Morley
Oxford
Scarborough
Shaftesbury
BISHOPS.
Limerick
Down
BARONS.
Abinger
Beaumont
Byron
Camoys
Colborne
Erskine
Eddisbury
Foley
Langsdale
Overstone
Say and Sele

Resolved in the *Negative.*

The BISHOP of OXFORD then rose to move the insertion of a clause, the object of which was to relieve the Established Church in the colonies from the restrictions imposed by the statute laws passed to regulate the Church since the Reformation. He felt the less embarrassment in doing so, because of the statement to which he had listened with so much satisfaction on the previous evening, that Her Majesty's Government were ready to listen to any reasonable suggestion to extend the spiritual power of the Church of England. The present position of the Church was this—that all the laws and ordinances affecting her, and in force when the colonies were founded, became binding on the colonial clergy. It was foreseen when bishops were first appointed for the colonies that it would be necessary to provide some machinery by which those things so easily done in England could be effected in the colonies, and power was accordingly given in the patents of the first bishops to enable them to hear and examine witnesses and to exercise the ordinary episcopal powers in their own courts. It was found, however, the first time those powers were put to the proof, that the authority of the bishops was disputed; and in reference to the highest law authorities at home it had been decided that in advising Her Majesty to insert those powers in the bishops' patents, they had exceeded the just limits of the Crown's prerogative, and had gone beyond the powers they could properly convey in those instruments. The words conferring those powers were now withdrawn from the patents, and the position of tho Church was this—that it was utterly impossible for the bishops or clergy to make any rules for their own internal management, because no such rules could be enforced without the authority of the Crown, and by one of the canons it was prohibited even to discuss them. Nay, more, it was impossible to make any rules binding on the members of the Church, even by their own consent. Now, these were no fanciful evils. The noble Earl (Earl Grey) last night had referred to the authority of a rev. gentleman to show that the colonial, and not the Imperial Legislature, was the quarter where those evils ought to be redressed. With the noble Earl's leave, he would quote the valuable evidence of the chaplain to the Bishop of Tasmania to give their Lordships some idea how the law had operated, and how far the Church of England was entitled to look to the Legislature for redress:—

> "As chaplain to the Bishop of Tasmania from 1843 to 1848, and having, either previously or subsequently, visited the other Australian colonies, I have seen many serious disorders and inconveniences arising from this anarchy and want of due regulation."

In a memorandum, to show the evils of the want of discipline, he said—

> "On the removal of doubts concerning the right of the bishop, clergy, and lay members of the Church of England in an Australian diocese to make regulations by consent among themselves for the better conduct of their local ecclesiastical affairs, the doubts which it is proposed to remove cause much embarrassment to the members of the Church of England in the Australian colonies; and, as the Government have now determined to give the colonists the initiative in proposing their own civil constitution for the sanction of the Crown, it seems reasonable to extend to them the same freedom of action in ecclesiastical affairs, or rather to remove the doubts which hinder the members of the Church of England from assuming the freedom which other denominations already exercise with advantage. Nine years' intimate experience of the most recent proceedings of our Church in those parts convinces me that the internal affairs of the Church of England and Ireland in the Australian colonies are now in a state of almost complete anarchy; because the ecclesiastical law and courts of England will not work there, and there are no lawful means of making local regulations by consent. The Tasmanian letters patent authorise the bishop 'to proceed to final sentence in due form of law' with criminous clerks. But 'no tribunal exists which has power to try and convict a chaplain,' says the Registrar of Tasmania (19th July, 1845). The Bishop of Australia (now Sydney) endeavoured to proceed with the consistorial court, which the old letters patent of Australia seemed to sanction, but he could not. In his protest (1836) he stated the serious inconvenience resulting from these doubts: 'The bishop has no opportunity of stating, in the face of the Church, the grounds upon which his judgment is formed, and the party condemned is deprived of the benefit of an appeal;' all which was afterwards verified in the experience of the Bishop of Tasmania, who deprived Messrs. Wigmore and Bateman of their licenses *pro arbitrio suo*. The ecclesiastical laws of England were not very applicable to the colonies; and doubts existed almost in every case which arose, whereby their application was in practice forbidden. I have before me the opinion of Mr. Horne, Attorney General of Van Diemen's Land (May 20, 1845), stating the objections against extending the improved English Church Acts to the colonies; which objections were acted upon. The same authority said that there was not in these colonies a single preferment in the sense of the English statutes; so that the power given to the bishop in the new letters patent of Sydney, 'to give institution to benefices' which do not exist—'to call before him the clergy,' who need not come—'to have full power and authority to affirm, reverse, or alter the judgment, sentence, or decree' of inferior ecclesiastical courts, which cannot be enforced; all these provisions are nugatory and perplexing to all parties concerned. The Church of England in the Australian colonies cannot at present make or enforce local regulations for want of some removal of doubts which exist as to her power to do so. 'The Churches of Rome and Scotland,' said Mr. Harrison, the Registrar of Tasmania (July 18, 1845), 'are not amenable to the temporal courts in this colony for any ecclesiastical judgment passed or discipline exercised by their respective heads; they, however defective they may be in law, are yet final, and are not open to further legal censure, nor can the clergy of those churches harass their ecclesiastical superiors by appeals to the superior courts here, or to the Privy Council at home; whilst the judgments of the Church of England, however just and equitable, however founded upon notorious facts and admitted delinquency, if they are not conducted in strict accordance with the ecclesiastical law, are open to appeal both here and at home, to mandamus, and to sundry vexatious proceedings. Nay, if they be even legally correct, experience has proved that they are not secure from attempts to reverse them through the medium of the civil power (that is, the Secretary of State). Instances might be multiplied in proof of the doubts which enveloped all the relations of the Church of England in these colonies—doubts which could only be removed by the wholesome action of local experience and discussion."

He went on, in another paper, with which he would not trouble their Lordships, to show how all attempts to give the Church of England full scope, and extend her usefulness, had failed. The bishop tried, for instance, to hold home visitations—he was utterly unsuccessful. Again, he attempted an ordinary visitation, but, from the absence of all power in his hands, he was obliged to abandon it, as he could not procure the attendance of his clergy. In one instance the bishop called the clergy together to consider the affairs of the Church; but they told him they had nothing to do with the matter—had no power to interfere—did not wish to be mixed up with it, and that they would leave him to manage it himself. Another case was mentioned by this gentleman, to which he begged their Lordships' attention. It was this: the Bishop of Tasmania, thinking there was not sufficient service in his own cathedral church of St. David's, determined to give a service himself on every Saturday evening, from which he believed great advantages would arise to the inhabitants. The officiating clergyman, thinking this interference an indignity, ordered the churchwarden to lock the gates. The bishop, who was very popular with the inhabitants, came down to the church attended by a large congregation, who, on finding what had occurred, became violent, and threatened to break in the doors, whereupon the churchwarden unlocked them. It was found, however, impossible to settle the question finally, or to lay down any rules which would be attended to; and the consequence was that it was left to be determined every time by brute force whether the Bishop of Tasmania was to preach in his own cathedral or not. The last statement with which he should trouble their Lordships was one not less remarkable:—

> "The Bishop of Tasmania was desirous to divide Hobart Town into four parishes; but, at a meeting of the clergy concerned, whom he had summoned to concert a plan with him, one retired, after having protested against the whole proceeding. The rest remained, and voluntarily followed the wishes of the bishop, which were reasonable enough; but great doubts hang over this parochial division, and it is set at nought with impunity."

Such were the evils that resulted from the impossibility of combined action. He did not wish to exaggerate the evils to which the members of the Church of England were subject in the colonies in making internal regulations, even by consent, or the restrictions and difficulties to which they were exposed. He had been lately told by an intelligent gentleman that it was impossible to conceive the state of the Colonial Church, and that the simple fact of its being known that every clergyman held his office by the mere *ipse dixit* of the bishop, without any rule or control, as well as the feeling that the clergy did not stand in the same position as the clergy at home, and on an equally sound and ascertained footing, had a most material effect on their status, and lowered their standard of usefulness. It was the opinion of the most eminent legal authorities that all the laws which affected the clergymen of the Church of England in this country affected them in the colonies also. The restraining clauses which subjected the clergy of the Church of England to fine and imprisonment if they laid down laws for their own government, applied to all the clergy subject to the province of Canterbury; and in the letters patent of the colonial bishops it was provided that the bishop and his clergy should be subject to the see of Canterbury; and therefore they were placed under the same restraining enactments as the clergy of that see; but they were not given the same power in local matters, and did not enjoy the force of a body of rules carried up by prescription from generation to generation, and acted on in every diocese at home. None of the cases he had quoted could arise here: they were all provided for by the regular course of church discipline, and by the growth of those prescriptive rules of which he had spoken. The Church of England was hampered, while other churches were left free. To the clergy of other churches—grave, zealous, and earnest men, as he rejoiced to know—they had given freedom, while they bound the members of their own Church. They gave them just so much of ecclesiastical law as would impede them, but not enough to make the position of the Church intelligible, or her ministration effective. That then was the evil to be remedied. And the clause he proposed to insert provided, that when members of the Church of England—bishops, clergy, and laity—assembled together, and, by consent, laid down rules for their internal government, it should be impossible for those who had consented to those rules afterwards to appeal against them to courts at home. He had been assured by lawyers of the highest authority there was nothing objectionable in the clause. The effect of intrusting members of the Church of England in the colonies with the right he proposed, would be that they would be left to make some rules for their own internal government. These would be tested by experience, and if they were found to succeed, application might be made to the colonial legislature for their sanction. The time was not now come for that. What he asked their Lordships to do was, what the colonial legislature could not do—what concerned not local but imperial law—to set their co-religionists free from certain consequences of imperial legislation. It was a point to which Blackstone had adverted, that although all the laws relating to the church courts were valid in the colonies, yet reason and experience prevented their enforcement there, because they were not suited to colonial life. All that the clause proposed to do was to remove the doubt which existed, the illegality which he believed existed, in regard to doing what could be done by all bodies of religionists, but which could not be done by members of the Church of England. These restraining laws did not apply to other bodies at home; but owing to the connexion at home between the Church and the State there was a jealousy, and the Church was restrained. But what their Lordships were asked to do was, not to apply that restraint under circumstances where there were none of the escapes from the mischievous effects which might be found to exist at home. It was said, what was asked to be done, ought to be done by the colonial legislature only. But it was not a matter for their colonial legislatures, for it did not touch colonial but imperial legislation. The object was to set free from the chain of imperial legislation those who were members of the Church of England. Then it was said, they ought not to attempt to claim in that part of the world the powers of a dominant church for the Church of England, but rather trust to the purity of her faith and her spiritual power. He entirely agreed in that opinion; and if there were anything in the clause which went contrary to it, he begged their Lordships to believe he would not be the man to propose it for their adoption. But it was in the spirit of that objection that he proposed the clause. The clause was purely permissive; it proposed to give no power to the Church of England in the colonies which the members of the Church of Rome and the Presbyterian body did not enjoy. It gave them no superiority; it gave them power merely to draw up such interior rules for their own conduct which they were restrained from drawing up by their anomalous connexion with the restrained Church at home. It was not settling a home question in settling a colonial question. The difference was perfectly plain. When a colony was first founded, there was the same difficulty, at first, in knowing how far the temporal laws of the mother country would apply to the colony. How was that question settled? It was very soon settled. Some representative assembly was called together which proceeded to make internal laws. Courts were instituted. An incidental code of legislation began to be made, marking, however, what were the laws of the mother country. There was the same need in respect of spiritual legislation; and the question was settled precisely in the same way, by allowing members of the religious body to meet and agree among themselves as to the necessary rules for guidance in their own spiritual affairs—which rules being established in practice, application might be made to the colonial legislature for their sanction. The concern of Parliament was to set the churches in the colonies free from the embarrassment of their anomalous connexion with the Church at home, which gave them neither rule nor freedom. Again, it was objected that there was danger lest the churches in the colonies, possessing such powers, should adopt a new faith, and separate from the Church at home. But if the proviso appended to the clause were considered, that danger would be found to be guarded against. The oath of allegiance was required to be taken, and the Thirty-nine Articles to be signed, by parties admitted to any see or pastoral charge. The liberty and licence given were to be given within the definite restrictions which limited the Church of England at home. It was not proposed to give power to alter a single Article, or to touch the Liturgy. The objections to the clause fell absolutely to the ground. The expression, "declared members of the Church of England," had a second intention, and was meant to apply to those who claimed to themselves the privileges of the Church of England in their application to the Government—so bringing themselves under the description. It was alleged that, whatever might be said to the contrary, the proposed clause would place members of the Church of England in a position of advantage over others. What, candidly and judiciously weighing the matter, was the effect of the words which clothed the last proviso? It was declared that these regulations should not have any other effect than the regulations, laws, or usages of other churches or religious communities in the same colonies. If there were force in language, that to which objection was taken was specially guarded against it. If it were possible to suggest any form of words which could more effectually attain the object he had in view, the proposal would be hailed with pleasure by him, and not only by him, but by numbers out of that House, who had heard it said last night by the Government that they were really and honestly sincere in the desire to aid the Church of England in working herself free—not gaining new power from the State—for the exercise of her own inherent spiritual power in a way beneficial to herself and not injurious to others. The only objection that he remembered to the clause was, that however good it might be, it was not right to introduce such a clause in a special Act, but that it would be more convenient to make it part of a general Act, applying to all the colonies of Great Britain. For his own part he thought that the noble Earl was perfectly right in temporal matters not to propose one grand scheme for the whole of the colonies; and he would apply the same principle to the spiritual rule of the colonies, because a mode of legislation which might be wise and just with regard to one, might be very unwise and unjust with regard to another. To say the contrary, was, he thought, really to attempt by a side wind to get rid of all legislation upon the subject. He begged their Lordships, in considering this clause, to give it that fair weight which an attempt to meet a great practical evil pressing on the most important interests of the colonies deserved at their hands. He begged them—without distinct and sufficient cause shown—not to continue to the colonies that which was a sore and ever-present restraint upon those spiritual energies which for their Lordships' sake and the sake of the colonies it was most important they should set at liberty and strengthen. He begged to move the insertion of the clause of which he had given notice.

EARL GREY hoped that the right rev. Prelate would not insist on that occasion upon pressing the House to come to a decision on this subject. He was far from the opinion that the matter alluded to was not an evil that required to be redressed. It was, however, one of very great difficulty, and he was sure they could not safely meet it by introducing a single clause of the nature he held in his hand. A near examination of the clause would show how extremely defective it was, and how impossible it would be to create powers of the kind proposed without going further, and declaring by whom and in what manner those powers were to be exercised. They were going by the proposed clause to create neither more nor less than a legislative authority in the Church of England. The right rev. Prelate had told them that he had guarded it carefully with certain provisoes. That might be true; but still it would create a legislative authority, which might lay down an interpretation of the Articles, and of the Book of Common Prayer, in accordance with their own views; and what would the right rev. Prelate say if in some case the majority were to decide in support of the views on a most important question held by Mr. Gorham? Yet there was nothing in the clause to prevent such an interpretation being so authoritatively imposed in that colony. Then, again, they should look at who were the persons to whom that large authority was to be confided. They were to be the "clergy and lay persons being declared members of the said Church," &c., and then came the words, "severally and respectively." What was the meaning of that? Were the clergy to meet in one house, and the laity in another? and was the consent of both necessary to make these regulations binding? or were they to meet together? He confessed he was unable to construe the words. In fact, he felt convinced that they could not by a clause of this description deal with a difficulty of the nature it was meant to obviate. It was of the utmost importance that they should avoid clashing with the colonial legislature; but he was quite certain, from what he knew of the temper with which the colonies viewed these matters, that, let them do what they pleased, or say what they could, if they introduced a special provision of the kind proposed into this particular Bill, it would be considered that it was intended, in some way or other, to overrule the colonial legislature. He hoped, therefore, that the right rev. Prelate would not put them to the pain of a division, but would consent to reserve the subject for more general and deliberate consideration.

The BISHOP of SALISBURY expressed his intention to support the clause proposed by his right rev. Friend. At the same time, he was bound to say that, if the noble Earl would go somewhat further than he had gone in the speech he had just delievered, and promise that the Government would not only give a fair and candid consideration to any measure that might be proposed, but really take it in hand as a matter properly belonging to them, it would, under such circumstances, be desirable to meet such a proposition, and not proceed to a division. While he admitted that the question had been met by the Government in a kind and gracious manner, still he thought the noble Earl had in his speech gone rather farther than he might have done in pointing out difficulties which of course were to be urged against every important measure, no matter of what description it might be. He was not prepared to say that there were not difficulties in the way, for unquestionably there were difficulties; but if the Church of England laboured under disadvantages by the action of the Imperial Legislature, it was the duty of those who were the advisers of Her Majesty carefully to enter into a consideration of those difficulties, with a view to their abolition or mitigation. The noble Earl had said that the object of the clause was to give legislative authority to the Church. However, the noble Earl was much mistaken, for its only object was to give the Church of England that power to regulate its affairs which was possessed by every other religious denomination. On these grounds he would support the insertion of the clause; while, at the same time, he admitted that, if the Government would undertake a general measure, he would rather leave the matter in their hands.

The BISHOP of LIMERICK said, that the clause would mix up the clergy and laity in an extraordinary manner, and that any disputed questions which arose would be determined by the majority. It was true the clause provided that such questions should be referred to the metropolitan; but the delay which would occur from the difficulty of communication would only tend to augment the angry feelings and passions that might have been excited, and would lead to discord and confusion. He (the Bishop of Limerick) could not, therefore, vote for the clause, and he would recommend his right rev. Friend not to press his Motion to a division, but to leave the matter in the hands of Her Majesty's Ministers, in the hope that this and other important questions might be considered under more favourable circumstances of quietness and peace. He was anxious beyond all things for the peace of the Church, and, therefore, under existing circumstances, he conceived that they were peculiarly called upon to act with the greatest circumspection.

The EARL of HARROWBY regarded the clause rather as embodying a declaration of opinion than as a measure of legislation. He hoped his right rev. Friend would not press this clause on the present occasion, but that an opportunity would be afforded of fully considering the position of the Church of England, in the colonies. That question, he thought, ought to receive the careful consideration of the Government and the Legislature.

The EARL of CHICHESTER admitted the unsatisfactory state of the law as it at present stood, and hoped something would be done to remedy it; but he doubted whether the clause proposed by the right rev. Prelate would produce the desired effect. He suggested that there should be a revision of the entire state of the law in the colonies, so far as the Church was concerned.

The BISHOP of DOWN and CONNOR said, the simple question was, whether the proposition of the right rev. Prelate was sufficient to remedy the evils which were acknowledged on both sides of the House to exist. He was afraid that the clause as it now stood was not sufficient in itself,and he should should feel obliged to oppose it.

LORD REDESDALE said, what the right rev. Prelate wished to do was simply to place the Church in the Colonies on the same footing as the Church of England was in the United States. He had heard nothing to induce him to withdraw his support from the clause; but at the same time he would put it to the right rev. Prelate, whether, under the circumstances, he would press the matter to a division ?

LORD LYTTELTON said, the question was one which he thought it was impossible any one except the Government could deal with in a satisfactory manner. He should wish to hear from Her Majesty's Government whether they were prepared to appoint such a commission of able lawyers and theologians as the right rev. Prelate had alluded to, with a view of inquiring into the condition of the Church in the colonies ?

EARL GREY said, after what had taken place that night, it was obvious that an inquiry should be instituted as to the best mode of proceeding on this question. He felt the deepest interest in the subject, but he could not undertake at that moment to give a specific answer to the question just put to him.

The BISHOP of OXFORD hoped the noble Earl would tell them what sort of inquiry he proposed, and whether he intended it should take place this Session or not. He should like to hear something more definite than what he had heard from the noble Earl.

The MARQUESS of LANSDOWNE said, there was a clear and practical grievance as regarded the Church in Australia, and with a full expression of that feeling, he thought it was hardly fair to press the Government any further; and it was unfair when the right rev. Prelate had so long given his attention to the subject—after he had been in frequent communication with the members of the Church in those colonies—it was too much when the right rev. Prelate believed he was fully prepared on the subject, to expect that at twenty-four hours' notice the Government should be ready with any definite plan. On these grounds, then, he ventured to think that his noble Friend had gone as far as any one could be expected to go without consulting the Government. He thought that his noble Friend had gone quite far enough when he stated that the question brought under the notice of the House was a fit subject for inquiry, without stating the nature of that inquiry. It would be impossible for him to do so then, for the grievance must be ascertained and investigated before it could be redressed, and before they could state what would be the practical nature of the remedy to be applied; but this he might venture to assure the House, that it would be inquired into at no distant period, that there would be no unnecessary delay, and that the inquiry would be rendered most effectual, whether conducted by a commission or otherwise.

The EARL of POWIS observed, that the right rev. Prelate was entitled to expect that the noble Marquess would give the assurance which the House had heard, namely, that the subject should receive the consideration of the Government; and it was not too much to expect, on the part of the members of the Church of England, that the Government should take the matter in hand.

The BISHOP of OXFORD suggested that a few words might be introduced declaratory of this, that the disabling Act which bound the Church in England should not extend to or bind the Church in the colony. If they agreed to that, he should not press his proposition any further.

EARL GREY observed, that it was true that what the right rev. Prelate suggested could not be regarded as open to the same objection which a different Motion might have been; but he could not consent to place the Church in Australia on a different footing from that on which it stood in this country.

The BISHOP of OXFORD, after the general assurance which he had received that the grievance was to be inquired into, said he should not press his Motion any further. He, however, earnestly desired that the Government would introduce such a clause as he had suggested.

Amendment, by leave, withdrawn.

House resumed; and to be again in Committee on Friday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Thursday, June 11, 1850.

MINUTES.] PUBLIC BILLS.—1ª Population (Ireland); Incorporation of Boroughs Confirmation. 3ª Drainage and Improvement of Land Advances.

[The House met at Twelve of the clock in the New House of Commons.]

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

House in Committee.

Clause 30.

The CHAIRMAN said, they were at the 30th clause, in which he understood the Government had some amendments to introduce.

SIR G. GREY said, he proposed to introduce certain amendments in this clause (the clause giving compensation to clergymen), which he conceived would meet the objections that had been raised against it. It had been decided, when the House was last in Committee, that the compensation should not be limited to existing incumbents; but the amount of that compensation, and the distribution of it, were still open to consideration. The House seemed generally to assent to the principle of giving a just and fair compensation to existing incumbents. With regard to future incumbents, it had been thought necessary that some payment should be continued to them, with a view to obviate the deficiency of income which would be caused in many parishes were these fees withdrawn. In several parishes these fees formed a considerable portion of the income of the incumbent, especially of that class of the clergy for whom great sympathy had always been expressed in that House, the working clergy. The average payment on each interment had been fixed at 6*s.* 2*d.*, which would be below the general average at present received, and would therefore operate with some degree of injustice in some cases. He had received communications from several clergymen, stating that they were in the receipt of fees of a much larger amount; while those received in the more populous parishes were considerably less. The effect of the Amendment which he now proposed was this, he would leave the gross amount of compensation untouched; he still proposed that 6*s.* 2*d.* should be the fee payable on each interment, for bodies removed from any of the metropolitan parishes; but, instead of its being paid in the first instance to the clergyman of the parish whence the body was brought, the fees would be carried to a separate account, and that account would be charged, in the first instance, with the payment of salaries to the chaplains, then the incumbents would receive out of it a compensation calculated on their average receipts from burial fees for the five years next before the passing of this Act. Therefore, so far from any of the clergy receiving more than they had hitherto received, the amount would be regulated by their past receipts; and the board would be enabled, with the consent of the Treasury, to award to incumbents who had been receiving a higher amount, a sum calculated on the average of their last five years' receipts. That would be strictly in accordance with the principle on which compensation was generally awarded; and he believed it would remove one great objection on the part of the clergy to a provision which certainly would have operated with injustice. With regard to future incumbents, he thought it would be necessary to continue the payments; at the same time full power would be given to reduce the amount on the death of an incumbent, should circumstances be found to justify a reduction. If this proposal were carried into effect, it was probable that, with the increasing population in the manufacturing districts, there would ultimately be a surplus to divide out of the fund arising from the payment of those fees. Various propositions had been made for the disposal of that surplus; but he would not then enter into it. He would move the insertion of words in accordance with the alteration he had stated at the end of line 5.

SIR B. HALL was glad of the alteration, which he thought would do away with much of the objection to the clause as it stood. Its effect would have been, had the compensation been given by fees on each body, to double the income of some of the clergy in about forty years; for in the parishes of St. Marylebone and St. Pancras the population had doubled in the last forty years. He had been anxious to prevent one clergyman receiving the whole of the fees, and would move a proviso to that effect, requiring a separate fund to be kept for every parish. Those parishes near the centre of the metropolis could not increase much in population; the great increase was in those on the outskirts; the proviso was therefore necessary to prevent the amount paid to the incumbents of the latter parishes from continually increasing, and ultimately doubling or quadrupling itself. This proviso would prevent the amount paid to any incumbent ever exceeding the average of his receipts for the five years preceding the passing of the Act.

SIR G. GREY would take time to consider the proposition of the hon. Baronet.

COLONEL THOMPSON said, he wanted to propound distinctly a principle which had only been as it were accidentally mentioned; and that was, that the number of clergy must or ought, if there was any reason in the thing at all, to keep pace with the increase of population. If, for instance, the population in any extensive district was ever quadrupled, it was plain the number of clergymen must increase in something like the same proportion. If he was asked why he put himself forward on this occasion, he would say it was, because he thought that an unfair idea had gone forth, that the clergy of the Establishment were opposed to the contemplated reforms. His personal experience had been exactly the contrary. He recently attended a public meeting in a metropolitan borough on this subject, the chairman of which meeting was a clergyman of the Established Church, and a number of others were present and assisting; and they said very fairly, that they were aware their incomes might be affected by the present measure, and hoped some care might be taken of them; but they would not submit to the imputation that they were opposed to the contemplated reforms.

MR. ALDERMAN SIDNEY concurred in the propriety of compensating the present incumbents, but doubted the accuracy of the calculation whereby 6*s.* 2*d.* had been arrived at as the average amount of fees now payable. The inquiries he had made showed the amount to be much smaller in many parishes. He wished to know if the amount was to include compensation for the hatbands and scarfs now received.

SIR G. GREY said, the 6*s.* 2*d.* was not the average of any one parish, but of the whole. In populous parishes, the average of fees was much lower; in others higher. The matter of hatbands and scarfs had never entered into his consideration.

LORD D. STUART would refer to the evidence of the Bishop of London, in 1843, in proof of the importance of scarfs and hatbands as a source of revenue to the clergy. Was the five years' average to be calculated on a sum inclusive or exclusive of those receipts? He also wished to know who was to have the disposal of the surplus, if any should be left after compensating the incumbents?

SIR G. GREY said, the average would be calculated on the number of funerals, and the number of fees received, exclusive of any presents to the clergymen. The disposal of the surplus, after paying the chaplains and compensating the clergy, would be applied for church purposes in connexion with the growing population.

MR. B. OSBORNE said, the evidence taken before the Select Committee in 1843 showed that the vicars received more "fittings," as they were called, than the curates. It was a mistake to say that the clergy had never been hostile to sanitary reforms; they were the parties who had most stood in their way; for, like lawyers, they would never teach their own profession with a reforming hand. The Bishop of London, in his ovidence, stated that he had never enjoyed better health than when he resided in Bishopsgate-street, near the churchyard of St. Helen's. The same noble Prelate also stated that the "fittings" received by the vicars were purchased by the undertakers, on an average, for 10*s.*; while the curates only received about 2*s.* 6*d.* for theirs. He therefore wished to know whether there was to be a sort of sliding scale of compensation, according to the amount which had been received by the different parties in the shape either of fees or "fittings."

LORD ASHLEY having had personal communication with the clergy on the subject of the Bill, was bound to say that as a body they had shown the greatest desire to assist in the advancement of this measure, even at the expense of their own fees. The clergy, in fact, were entitled to a fee of 8*s.* for each funeral; but in order that they should not stand in the way of the Bill, they had consented to take the 6*s.* 2*d.*, as proposed by Government, and he was therefore bound to acknowledge with admiration and gratitude the assistance which they had rendered this great measure.

LORD R. GROSVENOR said, he wished to make one observation on a subject which had been referred to by his hon. Colleague. He meant the salubrity of graveyards. A few weeks ago three grave gentlemen who had invested capital in funeral paraphernalia waited upon him to point out the injustice which the measure would inflict upon them. They insisted that there was no necessity whatever for it, and scouted the very idea of a churchyard being at all unhealthy. In proof of this they wished him to go to a neighbouring church and see the sexton, whose children lived in the yard, and were remarkable for their roseate and healthy appearance. He, however, declined the invitation, much to the disappointment of the deputation, who seemed to think that the best place a worn-out Member could repair to at the close of a fatiguing Session was not to a salubrious park in the country, but to some lodging house in the immediate neighbourhood of a metropolitan churchyard.

LORD D. STUART said, it was the custom of the House to print amendments before they were agreed to. He knew that it was not absolutely necessary; but in a difficult clause like this, the custom ought to be enforced to enable hon. Members to understand it.

LORD R. GROSVENOR said, it would only waste time to print the clause, and he therefore hoped his noble Friend would not press his proposal.

MR. ALDERMAN COPELAND said, he had great objection to the 30th clause with respect to the amount of compensation. He would ask the promoters of the Bill if they thought they were dealing fairly with the public? The rate of 6*s.* 2*d.* for each interment would very greatly increase the amount of burial fees to be paid. Taking Shoreditch, he found the average amount of fees on each burial was 2*s.* 4*d.* In Islington it was, certainly, 6*s.* 6*d.* In Bethnal-green it sank to 1*s.* 6*d.*, and in Lambeth to 3*s.* 6*d.* Now was the right hon. Baronet prepared to increase the fees of burials in those districts where, though the people were poor, they still took an honest pride in burying their own dead, from 1*s.* 6*d.* to 6*s.* 2*d.*? It would have the effect of arising the expense of interment fees very materially indeed to all but the pauper classes. In Bethnal Green the increase would be 400 per cent. He would venture to enter into a statistical argument with the noble Lord at the head of the Board of Health, and to maintain that instead of 8*s.* being the average amount, 4*s.* was more correct, and that with respect to all classes. He would urge upon the Government to lower the sum of 6*s.* 2*d.* to 4*s.* 4*d.*, which he was convinced was a much more just amount.

SIR G. GREY said, that he believed the statistics of the noble Lord the Member for Bath were the most correct, and he could not consent to lower the standard.

LORD D. STUART said, he must again put the question which had not yet been answered, and that was whether the Board of Health was to have the disposal of the surplus fund which it was expected might perhaps accrue, and if not, who was to have the disposal of it?

SIR G. GREY said, that it would be devoted to make some provision for the spiritual aid of the large and growing population of those districts. He thought the principle was one which was well worthy of being entertained by the Committee.

Lord D. STUART said, the right hon. Baronet had stated the objects of the fund, but had not mentioned who was to have the disposal of it.

Sir G. GREY could not answer that question at present.

Clause agreed to. Clause 31 was struck out.

On Clause 32,

Sir B. HALL thought the House ought to confine compensation for burial fees to the number of burials of persons who had resided within the parish and had been buried within it. He begged to repeat what he had stated on a former occasion, that the metropolitan clergy had acted in the most objectionable manner with regard to encouraging the interment of persons who were strangers in the parish. [Mr. B. Osborne: Speak louder.] It was utterly impossible for him to speak louder. He had addressed thousands of persons within the borough which he represented, and his voice had been pretty well heard by them. The fact that he could not make himself heard in that House, showed the necessity of appointing a Committee to see what could be done with the House to remedy this defect. Some of the clergy of London had made a traffic of their burial grounds, and when they found that the fees were too high they lowered them, in order to induce parties to bring a greater number of bodies for interment than the ground ought to have been made to hold. And yet the House, by this clause, was about to give compensation to persons who had practised this improper trafficking. The disgusting scenes which had taken place in St. Giles's Cemetery, Old St. Pancras-road, had been given in evidence. Sometimes, when they buried a poor person, they threw a little earth over him, but as soon as the burial was over, and the mourners gone, the coffin was removed to a neighbouring vault. In 1846 there were 896 deaths in the parish of St. Giles, but there were 2,323 burials in the ground to which he was referring. In 1847 the deaths were 1,298, and the burials 2,877; in 1848 the deaths were 1,111, and the burials 3,578; while for one-half of 1849 the deaths were 573, and the burials, 3,440. A case could be proved in which a body was entirely broken up, the head being separated from the other parts, and the whole in this disgusting condition put into a wheelbarrow and removed to another part of the ground, where they were thrown into a hole. This was for the purpose of making room for others; yet the rector, when under examination, described the cemetery as in an admirable state. It was indeed notorious that inducements were held out to people to bury in this ground in order to increase as much as possible the fees; and the success which attended these efforts was shown by the great number of burials compared with the deaths in the parish which he had just pointed out to the House. Indeed, there was a part of the ground kept in reserve for the bodies of the rich, as an inducement to the people of the better class. Now, these things were done under the sanction of the rector himself, the Rev. Mr. Tyler. The sexton of the rev. gentleman, the rector of St. Giles, began his life as a soldier, was afterwards a parson, then he became sexton to this rev. gentleman who made those exactions, and then he became, as the natural course, an undertaker and stonemason. It was impossible for him to think of compensating a clergyman in the way proposed by the Bill, who had resorted to such practices as he had pointed out for the purpose of increasing his fees; and, therefore, on the bringing up of the report, he would move a clause for the purpose of dealing with such cases.

Sir G. GREY said, that he had no knowledge of the facts to which the hon. Gentleman referred, but he had known the Rev. Dr. Tyler for a long time, and, from what be knew of that gentleman's character, he believed that he was incapable of giving his sanction to any such proceedings as had been detailed by the hon. Gentleman. If any parties had been guilty of the facts stated, they would be liable to be proceeded against for a misdemeanour. He did not know whether the hon. Gentlemen was misinformed as to his facts, but he felt assured that he was misinformed as to the Rev. Dr. Tyler's having any connexion with them.

Sir B. HALL said, that when an inquiry was ordered by the Board of Health, Dr. Tyler objected to the press being admitted, and to have any report of the evidence appear in the newspapers. It came out, however, on the evidence of one of the gravediggers, that the practice was to pretend to fill up the grave whilst the mourners were present, but as soon as they were gone, the bodies were removed to a family vault to make room for others. He should certainly object to give any compensation in such gross cases.

MR. GOULBURN said, it was not very likely that persons would send dead bodies from neighbouring parishes to be interred in the burial ground of St. Giles, if the practices referred to by the hon. Gentleman had been going on.

SIR B. HALL said, that the public had not been aware of them till they came out in the inquiry which took place in November last.

MR. WAKLEY said, that all that had been stated by his hon. Friend the Member for Marylebone was true; but he believed the Rev. Dr. Tyler was not aware of what was going on till the inquiry took place, for the funeral service was performed by the rev. sexton. He would ask the noble Lord the Member for Bath, whether he was not aware of the facts, as a Member of the Board of Health?

LORD ASHLEY was understood to say that he had no knowledge whatever of the facts, beyond the circumstance that the bodies were removed to a family vault.

MR. BRIGHT said, there appeared to be little doubt that this reverend soldier and stonemason had been carrying on a trade in this burying ground. He understood that this graveyard was purchased for the parish by the funds of the parish, levied on the ratepayers for the purpose. And such being the case, it did appear a monstrous thing that the ratepayers should be called on to pay the money to purchase the burial ground, and then that persons should be invited from the surrounding parishes to bury their dead in this graveyard—that the clergymen should put into their pockets the proceeds of this system, and then, when this Bill passed, that they should be empowered to receive in perpetuity—so long as these impostures and evils were permitted—a sum equivalent to what they had received on an average of the last five years. Why, they were trading on the capital and expenditure of the parish; and it appeared astonishing to him that such a system should be suffered to continue. Perhaps he as a Dissenter had not so much right to complain; but he could not understand how Churchmen could tolerate such a system in their Church. A system like that only made him wish that every Churchman should carry a parson on his back till the last day of his life.

Clause agreed to.

Clause 33,

SIR B. HALL gave notice that, on the bringing up of the report, he would move that no compensation be given to parish clerks and sextons. The abominations practised in some of the metropolitan graveyards were truly revolting. It was notorious that in St. Pancras graveyard coffins were deposited within nine inches of the surface. It also appeared by the evidence of a woman residing in the locality, who had been examined before the Committee, that on Friday the 19th of November, whilst looking through a back window she saw two men working in the graveyard—one engaged in dissevering a human body, and the other in making a hole in the ground in which to deposit the mutilated remains, which were finally huddled on a wheelbarrow and thrown into the hole. The witness also stated that she had no doubt the body was one interred some five weeks previously.

COLONEL THOMPSON was anxious to keep *au courant* with the arguments of hon. Members around him, but found it difficult. Were these tales of horror brought forward to induce them to make all possible haste with the Bill? On one point, however, he felt a difficulty. There was a story told of a merry monarch, who put the question to the Royal Society, why a dead fish weighed more than a living one? The Society, it was stated, occupied a considerable time in endeavouring to solve the problem, and at last thought of asking whether the fact was so to begin with. Now he would like to know, as a simple mathematical question, how much less ground it took to bury the parts of a body than the whole? He could not help thinking the hon. Member had yielded to the pleasing horror attendant on a frightful story, and had allowed his imagination to run away with his powers of examination.

SIR E. BUXTON thought the fees of graveyards should be limited to those members of families interred within them, and that the fees accruing from the interments of strangers ought to be appropriated to those parishes that were in need of them.

Clause agreed to, as were also Clauses 34 to 52 inclusive.

Clause 53.

LORD D. STUART stated his determination to oppose the clause, as being most objectionable, and involving the abolition of a constitutional principle—the principle of self-government. The clause gave power to the Commissioners to levy a rate of 1*d.* in the pound on the inhabitants of the metropolis; and he called on the Committee to resist that, as being unjust and oppressive, and also because they had the authority of the promoters of the Bill for saying it was unnecessary. The objections to the clause were so obvious that every man must be struck with them; and he, therefore, considered the Committee would not be doing its duty if it did not endeavour to reject the clause. So strongly did he feel on the matter, that he felt bound to take the sense of the Committee on it.

SIR B. HALL said, the tax thus levied would realise some 35,000*l.* a year. If the Government were anxious to carry out the object of their Bill—as he believed they were—why not allow the parochial districts to regulate their own affairs? It was, therefore, his intention to move, that "Vestries acting under local Acts may provide burial grounds at their own expense, with the sanction of the Board of Health."

MR. T. DUNCOMBE wished to know how much money the promoters of the Bill expected to derive from this penny rate, the proceeds of which were to be placed at the disposal of an irresponsible board. He objected to the clause altogether, as one that was giving to an irresponsible board the power of taxation, a right that belonged only to the House of Commons, as the representatives of the people. He maintained that they were exceeding their power in thus transferring to another body the right to impose taxes. It was to be a penny in the pound this year, but it might be twopence next year; and it would be found that Dissenters as well as Churchmen had to pay, for there was no exemption. There was no precedent for so unconstitutional an act as this on the part of the House of Commons.

MR. STANFORD thought the rate should be a halfpenny in the pound instead of a penny, and moved an Amendment to that effect; but, after some conversation, finding no support in the House, the hon. Member withdrew it.

SIR G. PECHELL objected to both halfpence and pence. The system of entrusting taxation to an irresponsible board was most disagreeable to all classes, and he should therefore oppose the clause.

MR. ALDERMAN SIDNEY complained that the rate would operate unequally in many of the London parishes if the valuation was to be that acted upon in assessing the county rate.

SIR B. HALL then moved the proviso giving power to vestries to provide burial grounds at their own expense.

SIR G. GREY hoped it would not be necessary for the board to have recourse to the rating clause; but it was clear that, if the fees did not meet the expenses, it would be necessary to have some other mode of providing the necessary funds to fall back upon, otherwise the whole machinery might come to a dead lock. The propriety of having a central board, rather than leaving the whole matter to parochial management, had been amply discussed, and very substantial reasons given why a central board ought to be preferred. As to the remarks which had been made with reference to the unconstitutional character of the rate, he must remind the House that the object was to substitute burial grounds for the existing churchyards in the various parishes, and that, though the machinery by which the rate was to be raised might be new, yet there was nothing new in the imposition of the rate itself. He was certainly surprised that the hon. Member for Marylebone should propose to give power to the parochial authorities to provide burial places after the statements they had heard from him relative to one of the parochial churchyards. He would certainly oppose the proviso he had moved, and he hoped the House would give its sanction to the clause.

Question put, "That the proposed Proviso be there added."

The Committee then divided:—Ayes 36; Noes 100: Majority 64.

LORD D. STUART then moved the rejection of the clause.

MR. T. D'EYNCOURT begged to remind hon. Members that this was a model Bill, and that their own constituencies would eventually, as well as the inhabitants of London, be subjected to this tax.

MR. WAKLEY said, the noble Lord the Member for Bath had stated, that he did not believe it would be necessary for the Board of Health to resort to this tax. Now, the noble Lord must have made that statement on calculations made by the board; and what, therefore, he would suggest was, that this clause should be postponed for the present, or, as he thought, until the next Session, in order that they might have more information on the subject. If it should be proved that the regulations of the board could not be carried into effect without this additional outlay, he believed there would be no hostility in or out of the House to such a proposition.

Mr. S. CRAWFORD opposed the clause on great constitutional principles. This Bill was to be confined to the metropolitan districts, but he objected to a precedent of this nature.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committeee divided:—Ayes 93; Noes 37: Majority 56.

House resumed. Committee report progress; to sit again on Friday.

The House adjourned at half-after Three of the clock to the Old House of Commons.

HUDSON'S BAY.

Mr. CHRISTIE wished to put the questions of which he had given notice to the right hon. Gentleman the Secretary at War, namely, whether he can furnish any information as to the number of pensioners who may be proceeding to Hudson's Bay this season, and also of those who are at present stationed in the Hudson's Bay territory? And whether the Hudson's Bay Company have been empowered to employ these pensioners for the enforcement or protection of their monopoly of trade against the native or other inhabitants of the country; and if not, what duties it is intended they shall perform on their arrival in that territory?

Mr. FOX MAULE said, that in reply to the question of the hon. Gentleman, he might state that previous to the year 1846 the Hudson's Bay Company were without protection from any British force of any description; but in 1846 disturbances arose between the Hudson's Bay Company and certain parties which he did not know how to designate—whether they belonged to the United States, or were marauders acknowledging no government at all—and it was found necessary to detach from Canada a considerable body of the 6th Regiment of Foot. Those troops were kept there for nearly two years, and it was found to be so isolated a position for troops in Her Majesty's service, without communication with other regiments or from home, that it was thought necessary to provide for the protection of those territories in another way, and it was resolved to send out, under the command of an officer, a body of pensioners who would be there in the enjoyment of their pensions, and receive from the Hudson's Bay Company certain advantages in lodgings, land, and money. It was arranged that they should be required to go out twelve days in the year for drill, and be prepared to turn out for the protection of the public peace when called upon by the authorities of the place. The number of pensioners originally sent there was fifty-six, and they were now about to add twenty to that number in the present year, and they would sail in the course of a few days to Hudson's Bay. He was not aware that those parties had received orders to interfere with the local concerns of the Hudson's Bay Company. They were under the command of their officer, to be called out at his discretion, and not at the discretion of the Hudson's Bay officers, to preserve the public peace. That was the object of those troops being sent there.

Mr. HUME said, that if the military officer at the head of the pensioners was not under the control of the company, he wished to know under what particular orders he was to act, and whether he was to obey the orders the Hudson's Bay Company should give him in case of an affray? He thought it ought to be known under what specific orders and authorities this officer was to act.

Mr. FOX MAULE said, that the officer's orders were to preserve the public peace, and to prevent any persons from interfering with the trade of that company.

Mr. CHRISTIE begged to ask if the pensioners were paid by this country? If they were there solely for the benefit of the Hudson's Bay Company, they were the persons to pay them.

Mr. FOX MAULE: The pensioners draw their pensions which are given them for past services, and they get lodgings, land, and money from the company.

Subject dropped.

RAMSGATE HARBOUR.

Mr. MACKINNON: Sir, I rise to move for a Select Committee to investigate the revenue and expenditure and present condition of the Harbours of Ramsgate and Margate. The trustees of the harbour receive annually a sum of about 21,100*l.* as dues from vessels, besides 5,400*l.* from other sources, making a total of 26,500*l.*; and the object of my Motion is, to ascertain how these revenues are expended. No advantage arises from levying this enormous toll, but it gives enormous patronage to the trustees of the harbour, who are enabled to expend 25,000*l.* a year on I know not what. Far be it from me to say that the money is misappropriated — the money no doubt is expended honestly; but it is wasted and expended in an improper manner. In 1822, there was a Select Committee appointed, who reported that the enormous dues collected by the Ramsgate Harbour Commissioners ought to be discontinued, and that the expense of keeping up the harbour—paying officers, and keeping it in repair, ought only to be 7,000*l.* a year; but since that time the trustees, in addition to 145,000*l.*, since the harbour was first formed, have expended 1,500,000*l.* in repairs and alterations. Vessels of 350 tons and under can only enter the harbour, and yet they are levying tolls to the extent of several thousands per annum upon vessels which cannot enter the harbour. The trustees have now in their hands a sum of 66,420*l.*, and what I propose is, that they shall lessen their expenses to 7,000*l.* or 8,000*l.* a year, and keep in their hands a surplus fund of 50,000*l.*, in cases of need, to meet any unexpected accident that might occur in the harbour. I am not inclined to press my Motion, but I am anxious to obtain some information from the hon. Member for the city of London, who is one of the trustees. It is for that purpose that I shall submit my Motion, the object of which I shall state in a few words; but previous to my doing so, I beg to ask the hon. Member for London if he will consent to reduce the tolls 50 per cent? [Mr. MASTERMAN: No.] Then I will as concisely as the subject will admit, state the object of my Motion. It is a subject of very great importance to the trade of the empire, and to the security of navigation. I am aware that a Committee on Shipwrecks is now sitting; but that Committee will confine its inquiries to the question how far it is expedient to educate mates and masters of ships for the merchant service, or to find some place of refuge in bad weather; the Committee that I require is to supply funds for a harbour of refuge, or to give back to the Treasury large sums now raised by tolls to no purpose, or, if these sums, it appears, are not required, to ease the shipping interest of a heavy and useless payment of dues, which dues at present are wasted in a manner unprofitable to the country or to navigation. The House is aware, that in 1840 a Commission was named by the Queen, to ascertain the best site for a harbour of refuge on the coast. The report of that Commission stated, that amongst other places, that between Margate and the North Foreland, the other in Dover Bay, and a third in Beachey Head, were eligible for the purpose; and that the cost of a harbour of refuge might be about two millions. Mr. Cubitt the engineer, however, thought a harbour might be formed at a much less cost, to answer the purpose equally well. The House must understand, that by a perfect harbour of refuge, is meant a harbour accessible at all times of the tide by vessels of any tonnage, the mouth of which is so placed as to be entered easily with the most prevalent wind. Every person of the slightest knowledge in maritime affairs must be aware of the vast importance in our trade of such a harbour both in times of war and of peace; particularly as every year steam navigation, and the intercourse between nations, considerably increase. I am one of those who do not anticipate the probability of war, but think there is no doubt that the communication between England and other nations will considerably increase. Now such a harbour of refuge in one of the spots just enumerated, is most desirable; I am fully aware that the Treasury of the country ought not, if possible, to be called on to supply the means, and I think I can point out to the House some method of obtaining funds for that purpose, without increasing the burthens of the country. If the funds received from tolls on passing ships are now wasted or misapplied, why should these funds not be made applicable to the formation of a harbour of refuge? If the House do not sanction such an application, then ease the shipping interest of the burden, and levy no more on the commerce of the country than the amount absolutely required to keep the present harbours in repair. That such tolls so levied are misapplied, I will now prove to the satisfaction of the House. I will begin with Ramsgate Harbour, and *ex uno disce omnes.* The House must learn, that by an old Act of Parliament, the trustees of Ramsgate Harbour levy 4*d.* a ton on all foreign ships, and 2*d.* a ton on all British ships that pass the Foreland, which are above 300 tons burthen; those under that tonnage pay rather less. This tax is levied to keep up Ramsgate Harbour, and to be continued as long as this harbour wants repair. By this paper in my hand, printed by order of the House on my Motion last month, it appears this rate in 1841 gave to Ramsgate Harbour

19,065*l.*; and with some other dues the trustees obtain an average income of 20,651*l.*, besides a balance in hand of 5,694*l.*; in 1849 the tolls were upwards of 20,000*l.*; and other income 5,000*l.* Now I will show by evidence that 7,000*l.* a year is more than sufficient for the repairs of Ramsgate Harbour, which harbour, it is notorious, cannot receive vessels above 450 tons burthen—so you tax British and foreign vessels 4*d.* a ton, for a harbour which can by no possibility be of any use to them. Was there ever any thing so monstrous, so absurd, or so unjust? You commit an act of injustice by such a toll; and you injure all the other harbours on the coast, because it is notorious that foreign vessels will not, for fear of paying this unjust toll, stop at any English harbour if they can possibly help so doing; but they run over to the French, or Belgian, or Dutch coast, where such exactions are not made; the result is an injury to our seaports, by preventing the expenditure of foreign ships in them. Now to show the House the waste of money that takes place at Ramsgate, I will refer to the evidence of Sir William Curtis, the head of the trustees of that place in 1822:—

> "Foreign Trade Committee,
> April 26, 1822.
>
> "Sir William Curtis examined.
>
> "*Q.* What ought to be the annual charge of keeping the harbour of Ramsgate in repair?—*A.* It will require some little calculations from the books to answer that.
>
> "*Q.* Do you think that from 5,000*l.* to 7,000*l.* a year would be sufficient?—*A.* Yes, it might do.
>
> "W. Domett, Esq., examined (p. 276).
>
> "*Q.* Do you consider the benefit to the shipping to be in proportion to the money laid out at Ramsgate?—*A.* Far from it; many thousand pounds have been laid out, of no use whatever. Men are constantly hammering stones.
>
> "*Q.* Do you consider the benefit to the harbour adequate to the expenditure of 20,000*l.* a year?—*A.* No, certainly not; far from that (p. 271).
>
> "George Good, Esq., examined.
>
> "*Q.* What has, in the last six years, been laid out on Ramsgate harbour?—*A.* 147,538*l.*, with little or no advantage.
>
> "*Q.* Do you think the advantage derived from Ramsgate a sufficient compensation for the expense drawn on the shipping?—*A.* No, certainly not.
>
> "*Q.* Do you know the manner in which the duties are levied on foreign shipping?—*A.* I do not; but I know it is that of which they very much complain."

Not to fatigue the House by reading all the evidence, I will only add, it appears that, in 1822, the Committee said that 8,000*l.* a year was quite sufficient for Ramsgate Harbour, since which period the trustees have received upwards of 400,000*l.* Some years ago, a banquetting-house for the trustees to dine in only once in each year, was erected, and it has cost 3,500*l.*; it is of no use whatever; and that, from its first formation to the present time, that harbour has cost the commerce of the country an enormous expenditure—not less than 1,500,000*l.* To sum up the evidence of Sir W. Curtis (an unwilling witness), Captain Domett, and Mr. Good, it appears this harbour is of no use but to small vessels about 350 tons, and under; can only be entered at particular times of the tide, and that in a gale of wind, when shelter is required, the danger of entering the harbour is very great; and that the sum of 7,000*l.* a year is quite sufficient for every possible purpose required. Now, what is the case? The sum of 20,000*l.* a year is collected by dues on large vessels, British and foreign, to which the harbour can be of no possible use, and this money is wasted in the most wanton manner. Let one of these two measures be adopted—either relieve the shipping interest from these most vexatious, useless, and unjust tolls, or, if they are continued, apply them to some useful purpose. Why not, in the latter case, commence a harbour of refuge in some eligible spot on the coast? The surplus fund from Ramsgate Harbour alone would be, say 12,000*l.* a year; from Dover harbour, probably 8,000*l.*, besides many others. Here you have at once a fund of, say 20,000*l.* a year, which will establish a sinking fund, or pay the interest of 400,000*l.* for a harbour of refuge, and not put the country to one shilling more of expense. At the same time, I am fully aware of the talent and ingenuity, and of the powerful interest both in this House and out of it, of the trustees of harbours, and of other parties connected with these tolls; but let us have fair play—let the House give me a Committee. I defy them to disprove one single assertion that I have made. Let us have a Committee. But why shrink from the severe test of an examination, and of a Committee, if all is right? I repeat, these abuses ought to be corrected—gross jobs cannot be tolerated in the nineteenth century — either prove, as you ought to do, before a Committee, that the harbours of Ramsgate and Margate require all the money they raise on tolls, or let that money be applied for the security of navigation and the safety of seamen; or give up these at present vexatious and unjust tolls, and relieve the shipping interest from these burthens. Either investigate and prove the case, or let the trustees voluntarily relinquish those immense sums now extracted from vessels passing the Foreland. Let the House consider, also, that these revenues will increase as commerce increases, and that the time is come when an investigation ought to be made of the manner in which these large sums are expended. I am aware of what I have to expect from the parties opposed to any inquiry — I well know their talent and ingenuity; but I trust the paramount duty of the Members of the House will supersede all other considerations, and that no further opposition will be made to a Committee. Sir, I beg leave to move—

> "That a Select Committee be appointed, to investigate the revenue, condition, and expenditure of Ramsgate and Margate Harbours."

Mr. THORNELY seconded the Motion.

Mr. MASTERMAN, as one of the trustees of the harbour, denied that the money had been expended in an improvident manner. No funds could be more justly administered, and no persons could more honestly discharge the trust reposed in them. Under those circumstances the trustees of Ramsgate Harbour had no wish to shrink from any inquiry the House imposed upon them; they acted according to their duty; and the more their conduct was inquired into, the clearer it would appear. With regard to the statement that they had in their hands an excess beyond 50,000*l.*, he begged to remark that since that excess had arisen, it had been under consideration to make some reductions which he thought would be satisfactory to the shipping interest, and at the same time keep the harbour in a good condition. He could not as an individual trustee make any specific promise with respect to what might be done, but the subject was under consideration, and alterations would be made that would be acceptable to the shipping interest, and with a due regard to the state of the harbour.

Sir G. PECHELL was anxious to hear what line of defence would be made to the charge of the hon. Gentleman the Member for Lymington, for he believed there never was a grosser case for inquiry than that of this harbour, where toll was received for larger vessels than ever entered into it. He must call the attention of the House to an omission in the Motion of the hon. Gentleman with regard to the harbour of Dovor. Every word which the hon. Gentleman used with respect to Ramsgate was equally applicable to the port of Dovor. There was, however, this difference—the port of Dovor was no port at all. It was a port, as regarded the custom-house, for levying dues; but as a harbour or place to put into, it was utterly absurd to call it so. To show how the taxation in that harbour bore upon vessels, he called attention to a return laid upon the table for the years 1839 and 1840, from which it appeared that 842 vessels entered the port of Shoreham, passing by the ports of Dovor and Ramsgate, and paid 391*l.* 8*s.* for the privilege of passing the port of Dovor. And he gave an individual case: there was a single vessel which paid 14*l.* 15*s.* as tonnage duty for passing that harbour. The hon. Member for Lymington had referred to the extravagance of the port of Ramsgate; but did he look to the information that had been obtained respecting the port of Dovor? The expenditure was 17,419*l.* and the sum the parties had to deal with was 23,000*l.* There was a sum of 800*l.* for law expenses to Mr. G. W. Ledger, registrar, and a sum of 1,036*l.* to Mr. Walker, engineer, for one year, though in all previous years the payment was 300*l.* or 400*l.* That would certainly show there was something that required inquiry. In 1839 and 1840 there was 10,000*l.* a year, and now there is 12,000*l.* a year, exacted from vessels passing the harbour; and he asked, would the House any longer tolerate such exactions? He proposed, therefore, to include Dovor in the Motion of the hon. Member.

Amendment proposed, after the word "Ramsgate," to insert the word "Dovor."

Mr. FAGAN complained that great wrong had been inflicted on a steamboat company in the city which he had the honour to represent, by the tolls which were exacted on their steam vessels between Liverpool and Rotterdam. He had represented their case to the right hon. Gentleman the President of the Board of Trade, whom he regretted not to see in his place, and that right hon. Gentleman admitted the injustice, and said that he would lay the case before the Government.

Sir F. BARING thought it not quite fair to add the name of "Dovor" to the Motion. The hon. and gallant Member for Brighton should bring forward the matter by a substantive Motion, instead of by an

Amendment of which no notice to the parties interested had been given. As he was convinced that the hon. and gallant Gentleman would act in the fairest manner, he would confine his reply to the Motion of the hon. Gentleman the Member for Lymington. He would not enter into the question as to the advantages derivable from the harbour, as he could not suppose that the House contemplated its removal. The question as to the relief of the shipping was, however, important, and to this he would address himself. As he understood the matter, the trustees of Ramsgate Harbour, according to the terms of their Act, were unable to reduce the dues until they had in hand a reserve fund of 50,000*l.*; and as they now had that sum, they were prepared to reduce the dues. He thought, under these circumstances, it would be more expedient to wait to see what the trustees intended to do; and after they knew what they would do, then the hon. Gentleman, should he think further inquiry necessary, could attain that object by again bringing forward his Motion. He thought that the trustees, having had the trouble of collecting this reserve fund, should be allowed an opportunity of reducing the dues spontaneously; and, therefore, he would recommend that the hon. Gentleman should withdraw his Motion.

Mr. HUME thought the case made out by the right hon. Gentleman warranted the appointment of a Committee, for it appeared that the moment the trustees had acquired the sum of 50,000*l.* they were bound to reduce the dues, and they had not done so. He considered that the dues charged by harbours was a great tax on the commerce of the country; and their remission had been recommended by every Committee on which he had served during the last twenty years. He thought that, looking to the changes they had made in their navigation laws, it was the duty of the Government; it would be far more creditable to them, instead of waiting to be thus urged on every item, to see what could be done to remove all these taxes which pressed so heavily on the shipping interest. They might as well be without a Government if they would not seek to remit taxation. He would give his support to the Motion.

Mr. MOFFATT trusted that the hon. and gallant Member for Brighton would persevere with his Amendment when the proper time arrived. It was the general impression that these rates were unfairly exceeded; but he thought, after the intimation given, by which he understood that a reduction of 50 per cent was to be made by the trustees of Ramsgate Harbour, the hon. Gentleman might for the present Session withdraw his Motion.

Mr. MACKINNON offered to withdraw his Motion, provided the hon. Gentleman the Member for the city of London would pledge himself to endeavour to reduce the dues at least one-half.

Mr. MASTERMAN thought it very unreasonable that he, as an individual trustee, should be called on to say he would reduce one item or another. He had stated that the subject had been long under the consideration of the trustees, that there was an earnest desire on their part to do justice to all parties, and he had no hesitation in saying a reduction was in contemplation, but what it was to be it would be very indiscreet for him to say.

Mr. THORNELY thought that a case had been made out for inquiry, and that the hon. Member for Lymington was entitled to the thanks of the House for having brought the subject under their notice.

Question put, " That the word 'Dovor' be there inserted."

The House divided:—Ayes 60; Noes 71: Majority 11.

Main Question put.

The House divided:—Ayes 78; Noes 47: Majority 31.

Select Committee appointed, " to investigate the revenue, condition, and expenditure of Ramsgate and Margate Harbours."

HOME MADE SPIRITS IN BOND.

Lord NAAS said, it was not necessary, in order to prove his case, to weary the House with any abstruse calculations or elaborate statistics. He rested the Motion he had the honour to propose, on the ground of equal justice to the home and colonial distillers; and he trusted that, on these grounds alone, the House would accede to his Motion. The case, as between the home and the colonial distillers was this, that in levying the excise duty on spirits of home manufacture, the quantity was measured for duty at the time when it was first made, or as it is called by the trade at the worm's end: if it was then bonded, the distiller, on releasing it from bond, was compelled to pay duty on the quantity originally bonded, no matter what diminution by leakage or evaporation it might have undergone since that period. Whereas, in the case of the colonial manufacturer, he had only to pay duty to the customs on what was measured out from the bonding warehouse, whenever it was released from bond, irrespective of the quantity originally placed in bond. So the home manufacturer had to pay duty on whatever loss or diminution the article sustained whilst in bond, whilst the colonial manufacturer only paid on the actual quantity measured out for consumption. That, in his opinion, was of itself sufficient to show the injustice and hardship to which the home manufacturer was subjected. Now to illustrate his position the more clearly, he would suppose that three casks of spirits, one of brandy, one of rum, and one of home spirits, were bonded, and that they remained in bond three years. At the end of that time, on being released, if the rum and brandy should be found to have lessened by two gallons each, these two gallons of absorption would not be paid duty on, whilst the home spirits, no matter to what extent it had diminished, would be compelled to pay duty, not in the quantity taken out at the end of the three years, as in the case of the rum and brandy, but on the quantity originally entered. To render it still plainer, he would read to the House the following statement of Messrs. Callwell and Horner :—

> "Four quarter-casks of brandy were landed and stored (after a passage from France) in Dublin Custom-house stores, on the 13th of February, 1849. These casks were taken out at intervals, from July, 1849, to January, 1850. The original content of these four vessels was found, on gauge and trial of strength, to be 108 gallons; when taken out, the contents and strength had decreased to 102 gallons; waste, six gallons.
>
> "Being French brandy, and taken out of bond, the duty, amounting to 4*l.* 10*s.*, was remitted.
>
> "What would be the result, if four casks of Irish whisky were similarly circumstanced?
>
> "The owners would have to pay 2*s.* 8*d.* per gallon on the deficiency—say, 16*s.* on 102 gallons.
>
> "Now, had these four casks of spirits been shipped from an Irish distiller to a London dealer, the natural course of trade, if unfettered from excise restrictions, was adopted, the owner would have to pay, when taking them out of bond in London for home consumption, the 'deficiency duty,' as it is termed, at the rate of 7*s.* 10*d.* per gallon—that is, the owner of Irish or British-made spirits would be made to pay a species of penalty for having good spirits at the rate of 5½*d.* 12-100 per gallon, whilst the owner of French brandy would be charged *nil*, and the favoured proprietor of sugar-made rum would be charged with *nil*—that is, in this petty transaction the home manufacturer under free-trade laws would be in a worse position by 2*l.* 7*s.* than any foreigner."

He was aware that he might be met by the argument, that as the home distiller enjoyed a differential duty of 4*d.* per gallon on colonial rum, that was a sufficient equivalent for the disadvantage in which he was placed with respect to the mode of levying the duty. But he must beg the House to remember that the 4*d.* differential duty was founded on Mr. Wood's evidence before the Sugar and Coffee Committee, of which Lord George Bentinck was chairman. Mr. Wood distinctly then stated that he thought the distillers had made out a case for 4*d.*; but what were the items of his 4*d.*? They were these—

Malt duty	1½*d.*
Increased Plant	1*d.*
Excise restrictions	1*d.*
Duty on decreases	½*d.*
Total	4*d.*

Now, the House must see that only ½*d.* of this differential duty is affected by the present Motion, and therefore it is ridiculous to say that if the duty on decreases be remitted, that on that account the differential duty should be altered beyond the amount of ½*d.* per gallon. The home distillers, however, did not consider the differential duty a sufficient compensation. It had also been objected to the adoption of any plan of measuring the spirits upon coming out of bond, that it would lead to considerable frauds on the revenue. What was, however, proposed, would in no degree affect the measurement at the worm's end, for it was quite possible to measure the spirits at the time of their coming from the still, and on their lodgment in the stores. Again, distillers were perfectly willing to pay the duty upon any deficiency that might arise between those periods, or *in transitu;* but what they complained of was, that they should have to pay the duty upon the loss occasioned by leakage or evaporation while the spirits remained under the Queen's seal. So far from this arrangement of paying upon the quantity leaving bond tending to increased frauds on the revenue, it would, in some cases, be the means of obviating a certain species of measurement, which was at present considerably against the Excise. For instance, the Excise could not measure to less than one-tenth of an inch, and where the spirit was measured in large receivers, and where there was necessarily a very extensive surface, the large distillers were frequently able to gain a considerable quantity, varying according to the circumstances of the case; while, on the other hand, if the spirits were measured in the warehouse, and upon their coming into consumption, the Excise would be able to measure accurately every drop of liquor. But, as to the falling off in the amount of revenue by reason of alteration in the present mode, those best acquainted with the trade in all its details were of opinion that production would be so enormously increased that the revenue would be a gainer. There was another mode in which these restrictions interfered with the distillers. It was a great object to the traders to be allowed to take advantage of the market, and to avail themselves of the prices that might offer there if favourable. Maturity also materially increased the value of the article. But the restrictions prevented the distiller and trader from keeping on hand large stocks, as he knew very well that by reason of the occurrence of deficiency or absorption he would be a loser in the way of duty chargeable for such absorption. The Irish distiller distilled from a mixture of malt and corn, whilst the Scotch distiller distilled from malt alone, consequently the Scotch distillation sooner arrived at maturity than the Irish, so that a greater time of bond, and consequently a greater amount of excise duty, fell on the Irish article of distillation. These restrictions were most obnoxious, and their tendency was to reduce the number of distilleries, throwing the whole trade into the hands of the large distillers. That reduction in the number of distilleries was injurious in more ways than one, because it threw a number of persons out of employment, as well in the distilleries as in the turf tracts, much of which article was used in the manufacture of spirits, and the cutting of which afforded employment to thousands. The spirit traders also complained that these restrictions interfered with the export trade. It might be said, they were allowed to export duty free; but the House should remember that to avail themselves of that privilege they were obliged to bond their spirits and declare it for exportation immediately on its being manufactured. But no trader could afford to do that. The statement of the trade on the subject is as follows:—

> "The Government were compelled from the great injustice of this part of the subject, to order that whisky may be exported under the same regulations as affect colonial and foreign spirits, provided it be declared by the manufacturer when bonding the spirits, that they are for exportation. This so-called relief is not of the smallest value. No manufacturer will so place his property that he will not be enabled at any time to dispose of it in the best market and to the most advantage. What the trade requires is plain and simple: That Irish made spirits may be placed in respect to the method of levying duty on precisely the same footing with colonial and foreign spirits."

No man would so place his property as not to be able to take it out and make the best sale that the market would allow. Therefore, not only were the distillers of Scotland and Ireland, but all the spirit traders of these countries, immensely interested in this important question; and he could not but think the House would consent to remove these restrictions that weighed so heavily on a large and influential body of manufacturers. The claim was one of simple justice: all they demand is, that the trader and manufacturer should not pay tax for an article which at the time of payment is not in existence. The revenue can hardly suffer to any extent. There is no breach of faith with the West Indies: they ask but equal measurement for all. In these days of free trade, when the removal of duties on every article of necessity was the cry, he could not think the House would refuse to remove these heavy and pressing restrictions on an important branch of home industry.

Motion made, and Question put—

> "That this House do immediately resolve itself into a Committee, to take into consideration the present mode of levying the Duty on Home-made Spirits in Bond."

LORD J. STUART seconded the Motion. He felt a particular interest in the question from the circumstance of his connexion with Campbeltown, where extensive distillery operations were carried on, and an annual amount of duty paid ranging from 250,000*l.* to 300,000*l.* He had also presented a petition from the island of Isla, where a large amount of duty was also paid. He was prepared to admit that the distillers of Scotland were not so disadvantageously situated as those of Ireland. He would also admit that, two years ago, the Chancellor of the Exchequer had made very considerable concessions, and in consequence of these concessions, the trade of Campbeltown was in a very flourishing state. It was always with pain that he felt himself compelled to give a vote in opposition to Her Majesty's present Government; but he felt assured that, in the present instance, the course he was pursuing was that of justice.

Mr. J. WILSON said, that the noble Lord, in introducing the Motion, wished the House to infer it was a question of free trade. But if the noble Lord had paid attention to the subject, as, indeed, his speech showed he had, he might have seen it was the intention of the House, in arranging the spirit duties in 1848, altogether to disregard the question of protection, and to place the home and colonial manufacturers as nearly as possible in a parallel position. Of the several questions that engaged the attention of the Sugar Committee of 1848, there was none that occupied so much of their time, or to which they gave more laborious consideration, than that of fixing the relative duties on home and colonial spirits. The noble Lord adverted to the fact that duty is paid on the quantity of home spirits originally bonded, whilst, as regarded colonial spirits, duty is only paid on the quantity taken from bond. But the noble Lord forgot that this was one of the chief considerations which determined the decision of the Committee in fixing a duty of 4*d.* a gallon higher on colonial than on home spirits, and a duty on foreign spirits of 15*s.*, double what was charged on British spirits. He considered that after a Committee of that House and the House itself had resolved that the difference between the two classes of consumers should be settled at 4*d.* per gallon, it would be unfair of the House now to disturb that arrangement—both unfair to the West Indians, as well as to the producers of spirits in the other parts of the empire. The position was this: either the duty at present charged on home spirits must be increased, or the colonial duty diminished, in order to bring both manufacturers to an exact relation. What was the cause of complaint as regarded the home producer? Several years ago an application was made to the Legislature to permit the home distiller to bond any portion of his stock, in order that he might have credit on the duty, and export what he pleased without paying the duty. He should say that such was a great boon, because it was equivalent to giving the home manufacturers credit on the duty; and, consequently, it was not fair that these gentlemen should now come forward —after having so long enjoyed such a privilege—and seek for a further boon and privilege. At the sittings of the Sugar Committee the chairman of the Inland Revenue Office gave some very valuable evidence respecting this matter. He showed that in 1833, upon 2,672,000 gallons, the decreases amounted only to 3-10ths of a gallon per cent. In the year 1845-46, upon the transactions of the year, 5,138,000 gallons, the decrease was rather more than a halfpenny per gallon; whilst as regarded the rectifier, referred to by the noble Lord, the decrease was ¾*d.* per gallon. It was upon such evidence that an arrangement was submitted to the House, and assented to by it, as also by the West Indian manufacturers. It was considered a fair settlement of the question; and therefore if hon. Gentlemen representing the distilling interests should think fit to call for a new arrangement, they should not be surprised if the West Indians came forward and demanded a readjustment likewise. The noble Lord complained that the restriction deterred manufacturers from working on speculation, by reason of the duty to be paid on the quantity of spirits made and bonded, to meet the demand that might turn up in the market. But surely if barley were cheap, they could buy it and store it, free of duty, and in that way there would be an advantage. The West Indian Committee was either right or wrong in fixing 4*d.* per gallon as a differential duty between the home and colonial producers; and if so, it was clear that that arrangement would be disturbed by any alteration that at present might be made. Therefore he suggested that it could not be for the interest of the home distillers that that arrangement should be disturbed, made, as it had been, after mature care and deliberation; and after every opportunity had been given them to come before the Committee, it would not be fair now to seek that that arrangement should be disturbed.

The CHANCELLOR of the EXCHEQUER, who was met on his rising by loud calls for a division, said, that he could quite understand the impatience of hon. Gentlemen who had come down in considerable numbers to vote in favour of the Motion, but he did not think that it was quite a reasonable mode of settling a question of considerable importance to divide upon it without hearing its merits discussed, and, therefore, he hoped that they would allow him to state to the House that which he believed fairly represented the real state of the case. Although this Motion did not profess to have that object, it really was as much an attempt to reduce the receipts of the Exchequer as any of those Motions which had been successfully resisted in the course of the present Session. The proposition of the noble Lord the Member for Kildare was, that distillers should pay duty on their spirits after the loss by wastage had been ascertained, instead of on the quantity manufactured. That would necessarily lead to the reduction of the revenue, and he would ask the House, if any reduction was to take place in the receipts of the Exchequer, whether it would be of most advantage to the country that the decrease should be occasioned by a diminution of the duty on spirits? He did not think that the duty on this article called for any reduction at all; and, as the diminution proposed was a reduction which would apply almost exclusively to Scotland and Ireland, he did not think it would be quite fair to the English distiller. The duty on English spirits was 7*s.* 10*d.* per gallon, on Scotch, 3*s.* 8*d.*, and on Irish, 2*s.* 8*d.*; and yet the noble Lord called for a reduction of the duty on the spirits upon which the lowest charge was imposed. Sound policy would dictate the equalisation of the duties in the three countries, lowering the duty in England, and raising it in Scotland and Ireland. The noble Lord admitted that little or no benefit would be gained by England from the reduction which he proposed, and the distillers themselves allowed that there was no safety to the revenue after the spirits had left the premises of the distiller. Was it "equal justice," then, to England, to make concessions to the Irish distillers which would be of no use to the English producer? The whole question was under consideration when the Colonial Spirits Bill was discussed in 1848, and was much before the House at that time. The objection made to the Colonial Spirits Bill was not to the extent of benefit that it would confer on the colonial producer, but that there was still too high a duty on spirits, both of colonial and home produce. At that time he made a number of concessions to the distillers, who hardly thanked him for what he had done, and said that little benefit would be derived from what he had yielded to them. If the hon. Gentleman would refer to the returns on the table, he would see that his (the Chancellor of the Exchequer's) measure had created a large export trade in home spirits. The noble Lord said he could assure the House that the Irish and Scotch distillers were destroyed by the competition with the colonial producers; but what were the real facts of the case? Ireland, years ago, consumed not less than a million of gallons of rum a year; but previous to 1846 the quantity was only 14,000 gallons. The consumption of rum in Scotland and Ireland was not so great in 1849 as it was in 1847, therefore it could not be said that the reduction of the duty on rum in 1848 was injurious to the Irish and Scotch producers. They had been told that there had been a remarkable increase in the consumption of rum during the last two years. The consumption of rum in Scotland in 1847 was 382,000 gallons, and in 1849 it was 250,000. The consumption of rum in Ireland in 1847 was 176,000, and in 1849 it was 182,000 gallons. Surely such a state of things could hardly be said to have ruined the home producer. The home consumption of British spirits in 1847 was 8,749,000, and in 1849 it was 9,050,000 gallons. In Scotland, in 1847, the quantity of home-made spirits on which duty was paid for consumption was 6,193,000; and in 1849, 6,935,000 gallons. In Ireland, where they were told the trade had been ruined by the importation of rum, the consumption in 1847 was 6,037,000, and in 1849 it was 6,972,000 gallons. Thus it appeared that in 1849 there was an increase of 930,000 gallons in home-made spirits, which pretty clearly showed that no great injury had been done to the Irish distiller by the introduction of colonial spirits. He would beg hon. Gentlemen to recollect that since the Act of 1848, of which such complaints had been made, there had been an increase in the consumption of rum to the extent of 6,000 gallons in Ireland, while there had been an increase in the consumption of home-made spirits to no less an amount than 930,000 gallons. Some allusion had been made to the export of home-made spirit. The fact was, by the measure which he (the Chancellor of the Exchequer) had introduced, the trade had been almost created since 1848. The return on the table gave, as the quantity of British spirits exported in 1847, not one gallon, and in 1849 it was 73,000 gallons. The quantity of Scotch spirits exported in 1847 was 64,680, and in 1849 it had increased to 206,000 gallons. The quantity of Irish spirits exported in 1847 was 6,439 gallons, and in 1849, 67,000 gallons, so that there had been an increase to tenfold an extent in two years in the exportation of Irish spirits. Irish and Scotch distillers had also derived an advantage in the English markets to the extent of 1,500,000 gallons. On these grounds, he thought that the noble Lord was mistaken in the statements on which he grounded his Motion, and, also, that he was not justified in charging him (the Chancellor of the Exchequer) with having been unmindful of the claims of the Irish and Scotch distillers. The adoption of the Motion of the noble Lord would be attended with great inconvenience ; it would be a great injustice to the English and colonial distillers, and it would virtually cause the reduction of the duty on an article upon which he thought no reduction should be made.

The House divided:—Ayes 85; Noes 53 : Majority 32.

List of the Ayes.

Alexander, N.
Anstey, T. C.
Barron, Sir H. W.
Bateson, T.
Best, J.
Boyd, J.
Chatterton, Col.
Cobbold, J. C.
Crawford, W. S.
Dawson, hon. T. V.
Devereux, J. T.
Dick, Q.
Dickson, S.
Drummond, H. H.
Duff, G. S.
Duff, J.
Duncan, G.
Dundas, G.
Dunne, Col.
Edwards, H.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R. A.
FitzPatrick. rt. hon. J.
Forbes, W.
French, F.
Gaskell, J. M.
Gordon, Adm.
Grace, O. D. J.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hastie, A.
Hastie, A.
Herbert, H. A.
Hildyard, R. C.
Hume, J.
Jones, Capt.
Keating, R.
Keogh, W.
Kershaw, J.
Lockhart, W.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
Magan, W. H.
Meagher, T.
Maxwell, hon. J. P.
Moffatt, G.
Monsell, W.
Moore, G. H.
Mullings, J. R.
Muntz, G. F.
Napier, J.
Nugent, Lord
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Prime, R.
Rawdon, Col.
Richards, R.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Scully, F.
Smith, J. B.
Smollett, A.
Somers, J. P.
Stafford, A.
Stanley, hon. E. H.
Sullivan, M.
Talbot, J. H.
Tenison, E. K.
Thompson, Col.
Traill, G.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P. B.
Williams, J.
Wodehouse, E.

TELLERS.
Naas, Lord
Stuart, Lord J.

List of the Noes.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barnard, E. G.
Berkeley, Adm.
Brotherton, J.
Brown, W.
Browne, R. D.
Colebrooke, Sir T. E.
Craig, Sir W. G.
Dundas, Adm.
Ebrington, Visct.
Ellis, J.
Elliott, hon. J. E.
Evans, J.
Fordyce, A. D.
Forster, M.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Harris, R.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, Lord E.
Lennard, T. B.
Lewis, G. C.
Lushington, C.
Martin, J.
Melgund, Visct.
Morison, Sir W.
Paget, Lord A.
Parker, J.
Plowden, W. H. C.
Rich, H.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, J. A.
Somerville, rt. hn. Sir W.
Thornely, T.
Trelawny, J. S.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.
Hill, Lord M.
Bellew, R. M.

Matter considered in Committee ; Mr. E. B. Roche in the chair.

Mr. F. MACKENZIE then proposed, as the first resolution—

> "That the duties payable on British spirits when taken out of warehouse for home consumption shall be charged on the quantity ascertained by the measure and strength of the sum actually delivered, save and except that when such spirits are not in a warehouse of special security no greater abatement, on account of deficiency of the quantity or strength, as ascertained at the time the said spirits were warehoused, shall be made than shall be after the several rates of allowance following, that is to say :—for every 100 gallons, hydrometer proof, for any time not exceeding three months, two gallons ; for any time exceeding three months, and not exceeding six months, three gallons ; for any time exceeding six and not exceeding twelve months, four gallons ; and for every additional six months, one gallon."

The CHANCELLOR of the EXCHEQUER would not then make any objections to the details of this resolution, but he should take the opportunity of doing so at some future stage. He wished the House clearly to understand that by this course he did not pledge himself to abstain from opposing the proposal in the future stages of the Bill.

Resolution agreed to.

Mr. F. MACKENZIE then proposed the second resolution :—

> "That when British spirits are taken out of a warehouse for ship stores and for exportation to foreign parts, no duty shall be charged on any deficiency that may occur in warehouse, save and except that if the said spirits shall not be in a warehouse of special security, the duty shall be charged on any deficiency exceeding the rates . allowance in the foregoing resolution."

Resolution agreed to.

House resumed. Resolutions to be reported on Friday.

RAILWAY COMMUNICATION IN INDIA.

VISCOUNT JOCELYN moved for any papers referring to railway communication in India. He said, that although the Motion now before the House was not of so exciting a kind as that which had just been disposed of, yet it was a question of vast importance to the people of India, and it was one also in which the people of this country had a great interest. His claim to bring this question before the House was principally founded upon the circumstance that the question of railway communication in India was first considered under the Government in which he had the honour of filling the office of Secretary to the Board of Control. A Committee of that House was appointed to consider the subject of the growth of cotton in India, and the internal communication of India was one of the most important features of that inquiry. He begged to premise, that in bringing forward the question of railway communication in India, he did not do so in any hostile spirit to Her Majesty's present Government, or to the President of the Board of Control. He believed that the right hon. Gentleman was as anxious as any one could be to take those measures which were most beneficial to the people of that country; and, with regard to the Directors of the East India Company, he could speak from past experience of their views and acts, that there could not exist a body of men more sincerely desirous to promote the improvement of the native population of that country, or more anxious, as far as the revenues at their disposal permitted, to forward those measures of internal communication which were necessary to be adopted before India could be placed in that position in which all desired to see her. He believed that the present was no improper or unwise moment to bring the present subject before the attention of the House. It was a moment when a large portion of the manufacturing interest were suffering severely from a short supply of the raw material of one of our most important manufactures, and when the attention of a large portion of the population was turned towards those countries from whom they expected to receive increased supplies of the article so necessary to our manufactures. There was also a general wish that the produce of the free labour of British subjects should, as far as possible, be substituted for the produce of slave labour. The question was of equal importance to mercantile men who were looking for fresh fields for their enterprise, and to the consumers of their merchandise at home. The philanthropic body of this country conceived that the people of Great Britain had a duty to perform with regard to the natives of India. There were many who thought, and not unnaturally, that the heaviest blow that could be inflicted upon the slavery and slave trade of the West, was by stimulating and encouraging the produce of Hindostan; and that this would avail more for the discouragement of slavery than the most binding treaties, or the largest blockading squadrons. But India was at present found to be in very much the same condition and position as when she first came under British control. There had been little increase in her production; her manufactures had diminished and declined, and in some cases had utterly disappeared. The cotton and shawls of Hindostan were well known in the markets of the West as being of great value, but this branch of trade had almost entirely ceased. Hon. Members knew, some from personal experience, and others from the evidence of men upon whom reliance could be placed, that there were vast districts of fertile soil in India which were capable of producing cotton, sugar, and indigo to any extent, and that there were vast districts the great mineral wealth of which was as yet undeveloped. The supply of labour was adequate, the population was abundant, the people were peaceful and easy to be controlled, and the labour of India was, in short, the cheapest in the world. The question was, why did it happen that with these natural facilities the produce of India had not kept pace with the demand of this country? Many physical considerations went to account for this, one of which was the wars in which we had been engaged for a series of years in that country, fortunately, in general, just and righteous in their character; just and righteous, because undertaken to repulse aggression. Other causes were the want of capital, and of personal superintendence over its outlay, the land tax in its bearing upon produce, and lastly the internal communication of the country. The hon. Member for Manchester had given notice of a Motion which would come before the House in a few days, and which would embrace many of the questions to which he had referred. He would therefore confine himself, on the present occasion, to the internal communication of India. The want of an internal communication in that country would hardly be denied. A Select Committee of that House was appointed in 1847 to consider the subject. This Committee included among its Members Gentlemen connected with manufactures and mercantile transactions, others who had served in India, some in connexion with the Government, and some with the East India Company. They agreed unanimously to a report, a portion of which he would read, because it bore strictly upon the point to which his Motion referred:—

> "The want of suitable means of internal communication has been prominently brought under the Committee's notice by almost every witness that has been examined, as one of the principal obstacles to the trade in cotton, which it is within the power and province of a Government to redress; and they are of opinion that the representations which have been made to them on this head demand the earnest attention of the Indian Government. With scarcely an exception, they concur in describing the means of internal communication as totally inadequate for the requirements of commerce; and, where roads are formed, great impediments to communication still exist from the almost entire absence of bridges. The consequence of this deficiency is severely felt, and traffic is conducted at an enormous cost of money, labour, and time. In connexion with this branch of the inquiry, your Committee have had before them the question of the possibility of introducing railroads into India; and the witnesses they have examined are not more unanimous in their description of the lamentable absence of the means of communication which now prevails, than they are in urging the necessity for the formation of railways from the great centres of export and import into the interior. It is impossible to urge too strongly upon all those who are in any degree responsible for the management of Indian affairs the necessity of special and earnest attention being directed to this important object."

Yesterday he received a letter from Colonel Simms, late Chief Engineer of Madras, who was appointed in 1825, by Sir T. Munro, to report upon certain great lines of communication and works of immigration required by the Madras presidency, in which that gallant officer pressed his conviction that what India chiefly wanted was better means of internal communication, an alteration with respect to the land tax, and the introduction of capital. Colonel Simms said—

> "It has been found that wherever an old road has been improved and rendered more easy of transit, or a new one opened, traffic has increased rapidly, wheel carts have superseded carriage-cattle, the expense of transport has diminished, and the people, as a necessary consequence, have been better supplied with the necessaries of life, and have improved in their circumstances. If such benefits are found to flow from the improvement and extension of ordinary roads, how much more rapid and enlarged must the advantages prove if it be practicable to introduce into India a general system of well-arranged and judicious railway communication? These lines are stated to be experimental, and the people of Madras are naturally much surprised and disappointed at their presidency being denied the same encouragement which has been given to the two others, and it is impossible to assign any good reason for the exception. What India chiefly wants is the means of ready and safe internal communication, the reduction and modification of the land tax, the improvement and extension of the works of irrigation, and the introduction of European skill and capital. They are all naturally linked together, are all indispensably requisite, and none can be neglected in any general system for the improvement of the country. The first of these, however, is what is now to be considered, and more particularly as connected with the introduction of railways."

Such an opinion from so high a source would of itself, without any other reasons, justify him in bringing forward the present Motion. His object was to give an opportunity to his right hon. Friend the President, or to the Secretary of the Board, of Control to state their views as regarded the general question of railway communication in India, their opinion of those lines to which a guarantee had been granted, and what their expectations were with regard to them in a political and commercial point of view. It was in 1845 that the question of railway communication in India was first opened. The Earl of Ripon was then Chairman of the Board of Control, and he (Viscount Jocelyn) had the honour to serve under that noble Lord. A number of schemes of railway communication were presented to the consideration of the Board of Control, and they had to decide how far they were justified either in carrying on the lines of communication themselves, or whether they would give their support or sanction to the companies who proposed to undertake these lines. If they decided upon giving their support to these lines, then the Board of Control had to consider what the nature of that support should be. The Government considered that it would be wrong to embark hastily in an experiment which might not be applicable to the wants of the country, and it was thought best to despatch Mr. Sims to India, and that his attention should be directed to certain physical difficulties that might possibly be found to prevent the introduction of railways into a tropical climate. Mr. Sims was also requested to give his opinion as to the line best adapted for an experimental line in India. The Court of

Directors of the East India Company expressed their views, and in a minute dated May 7, 1845, and despatched to India for the guidance of the Governor General in Council, said—

> "It cannot admit of question that, whenever railroad communication can be advantageously introduced and maintained, it is eminently deserving of encouragement and co-operation from the Government. One object of this committee will be to suggest some feasible line of moderate length as an experiment for railroad communication in India."

Mr. Sims was soon afterwards joined in the commission by two officers in the East India Company's service, and the question submitted by the Court of Directors was put before this commission. In the following year Sir R. Peel's Ministry retired from office, and the right hon. Baronet the Member for Harwich succeeded the Earl of Ripon as President of the Board of Control. In 1846 there was a report from Mr. Sims and the other commissioners upon the question whether there were any physical difficulties which would prevent the formation of a railway. [Sir J. HOBHOUSE: Are you speaking of Madras?] No; he was speaking on the general question of the introduction of railways into India. Their reply was satisfactory, and the experiment had since then been fully tried and had succeeded in Cuba, Demerara, and Jamaica, where lines of railway were now in full operation: the physical difficulties might therefore be considered, after such practical experience, no longer to exist. The right hon. Baronet had the same opinion as to the propriety of first constructing an experimental line, and of not embarking a large amount of capital, until the Government had had some experience of the success of a railway. These views of the right hon. Baronet were fully shared by the Court of Directors: but he would call to their attention that the experiment they now had to try was, not whether there were physical difficulties in the way, but whether the return upon the cost of constructing a railway would be sufficient to meet the outlay, and whether the railway system in India was adapted to the habits of the people, and required by the commerce of that country. There were three lines proposed in 1845, the line from Calcutta to the north-west, the line from Bombay to the east, and the line from Madras to the south-west. The line from Calcutta to the north-western provinces was one the political and military importance of which no one felt more strongly than himself. It connected the capital of India with those provinces upon our north-western frontier from which danger to our empire was always most to be dreaded. But whether that line was equally important in a commercial point of view was open to discussion. The original project was for a line from Calcutta to Mirzapore, a distance of 400 miles. The present proposal was to make a line of seventy-two miles from Calcutta to a point not yet decided upon, as he understood. The Government guaranteed an interest of 5 per cent upon a capital of 1,000,000*l.*, to be invested in this line. They gave the company great facilities for obtaining possession of the land—[Sir J. HOBHOUSE: They give the land]—and they retained the power of taking the line into their own hands at the end of twenty-five years. It was said by some that there might have been better arrangements, but he thought the Directors had treated the subject in the liberal spirit which so great an object deserved. But this line, it should be remarked, had the river Ganges on the right, and another stream on the left. He did not believe that it, as now proposed, would draw one single pound weight of traffic from the Ganges. He believed that it might draw a certain amount of traffic from the neighbouring coal district. But Gentlemen who were acquainted with India knew that this coal was brought down in boats navigated by native boatmen, who could bring it down at a more moderate price than it could be conveyed by the cheapest line of railway. If they looked for the result of the working of this line to show that railways were to be remunerative, he feared they would put an end to the further advance of railways in India. He hoped to see this line extended ultimately to the north-west provinces; and it was for this reason that he had touched upon what might be considered the weak points of this project, for until it was extended to some considerable terminus, no traffic could be created, and railway prospects for India must receive a considerable check and much discouragement. The next line was from Bombay to the east. This was a line in which the manufacturers of this country felt a very deep interest. It communicated with the country of the Nizam, in which were places as well adapted to the growth of cotton as any part of the world. It was originally proposed, he believed, to make 140 miles of railway from Bombay; but the present scheme, to which the Government had given their sanction and a guarantee of 5 per cent, was for a short line from Bombay to Callian, a distance of thirty-three miles. The capital upon which this 5 per cent guarantee was to be given was 500,000*l.* This line, if it could not be carried further, could not be expected to pay. It ran parallel to the finest water communication in the world. The water carriage for produce was excellent, and cheap; but from Callian towards the interior, the land difficulties commenced, whilst on the other hand, the produce went up to Bombay by water, and was landed upon the wharfs without difficulty. He feared also that it was not to the passenger traffic upon this line that they could look for remuneration, if it could not be found in articles of merchandise. The people of India were poor, and would not be able to make much use of railways, if even there were not other impediments in religion and castes. The labourer or ryot must give the produce of five days' labour to enable him to go ten miles upon a railway, at the lowest calculation. He was supported in this opinion by Colonel Grant of the Bombay Engineers, who stated of the Bombay railroad—

> "The first start to ascertain, not the feasibility of constructing railroads, for of that there can be no doubt, but their suitableness to this country, is to be made at a point offering the smallest opportunities of testing the general usefulness of railroads. True, Callian may possess 40,000 inhabitants, very few indeed of whom can ever afford to travel by rail. Nothing but merchandise will pass on the Callian line, and it is very doubtful whether its merits when constructed so far, will ever be duly appreciated; for by the time the up-country trader has reached Callian he feels his troubles at an end, and he will scarcely say 'Thank you' to have his merchandise carried the remaining short and easy portion of his journey. He has already from this point a cheaper mode of conveyance by water than the railroad can ever supply. It will be of little use as a passenger train to natives, very few of whom can ever afford to travel by it, and it will be of no use to Government, as, with the exception of the small station of Malligaum, it must be carried no less than 360 miles before it reaches a military station. It will be of no use to the community generally; in fact, no line could have been selected possessing so little general usefulness as this Mal Ghaut line."

The capability of the country to support railways could not be fairly tested except by selecting two great towns for the termini, as was done when the first railway was formed in this country between Manchester and Liverpool. They might not be able to get two such important towns in India, but something of the same character might be obtained. The object was to get a line ending at two termini between which traffic existed, in which no great engineering difficulties presented themselves, and which was not subjected to any active competition. If such a line were constructed, then and then only would they be able to come to a satisfactory conclusion whether India was able to maintain a railway, and whether English capitalists should be encouraged to invest their money in such undertakings. He thought a line might be found and constructed which possessed these advantages. In 1845 a line was proposed from Madras through the south-western portions of India, connecting together the east and western coasts, and throwing open the districts of Coimbatore and Trichinopoly, where some of the best cotton in the world was grown, and opening the great iron districts of Porto Novo. This line was admitted to be free from those difficulties which surrounded the other lines to which he had referred. Advantage was proposed to be taken of that opening in the southern ghauts, and no great difficulty presented itself in the passing of rivers. A portion of this great arterial line, which was a perfect line in itself, namely, the line from Madras to Arcot, was the more immediate question. The town of Arcot was the point at which all the produce intended to be sent to Madras for consumption and export was collected, and it was also the place to which the goods imported into Madras were forwarded for transmission into the interior. The traffic between the two places was therefore very great, and the increase in the traffic during the last twenty years showed the importance of this communication. The soil in the neighbourhood of the proposed line was of great fertility, and the land would not be subject to inundations. The distance from Madras to Arcot was 72 miles, and the capital proposed was at first 400,000*l.*, which had since been raised to 600,000*l.*, at the wish of Mr. Sims. This line had been three times surveyed, and had had the sanction of three Governors-General. There was no competing river or water communication to contend with. It was at first proposed to make a railway from Madras to Wallajahnuggur, Arcot, and concerning this line the Governor directed the following communication to be made:—

> "Sir—I am directed by the Most Noble the Governor in Council to acknowledge the receipt of your letter. His Lordship in Council can have

no hesitation in offering a decided opinion upon the great value of railroads generally to this presidency, if carried out fully and effectually on well-selected lines; and with the report of Mr. Sims, Director of the Railway Department before the Government, he is not aware that any objections exist to the projected line from Madras to Wallajanugger; on the contrary, His Excellency in Council is led to believe that it is well chosen as an experimental line, and that when fully carried out, it will conduce essentially to further all the interests of society, and stimulate and aid the efforts now made to develop the revenues of the country. "J. THOMAS,
Chief Secretary to Government.
"March 18, 1846."

In 1842, the line was again surveyed, and since that period it had been a third time surveyed. Such were the claims of this line to consideration. The reasons given by the Government for refusing or deferring to give a guarantee for this line had been threefold. First, that it had been abandoned by the company; secondly, that they could not support a line concerning which such widely-differing estimates had been made; and, thirdly, that the line had not been surveyed by Mr. Sims, their own officer. Now, first, with respect to the abandonment of the scheme. It was commenced by persons connected with the presidency; it continued to be a company for three years, and applied for the sanction and support of the Government. Believing, at length, that it had no chance of obtaining the support of the Government, the company returned the capital to the shareholders, but they always remained upon the register; and as soon as they heard that the Government had given guarantees for the construction of some of these lines, the company was reformed and applied to receive the sanction of the Government. The difference in the estimates was intended to meet the different proposals for constructing the line. In 1837, when the line was first surveyed, it was proposed to be carried out upon the cheap American principle. In 1842 it was proposed to construct a tramway along the line; and in 1847 it was proposed to make a railway upon European principles. But if it were said that this line had not been surveyed by Mr. Sims, and therefore had not been guaranteed by the Government, that was met at once by the fact that the Bombay line had not been surveyed by Mr. Sims, and yet it had been sanctioned. He thought that the line was one that would be remunerative, and that the Madras presidency of itself had fair claims to the consideration of the Government, and, if possible, more than the other two. To the presidencies of Bengal and Bombay, nature had given the benefit of water communication, by means of which their productions might reach the consumer slowly, it is true, but nevertheless, surely; but in the presidency of Madras there was not along the whole coast a single port or harbour in which a ship could ride; there were no bays or internal communication whatever. The ryot, too, in that presidency was more heavily taxed than in Bengal. In the latter presidency, with a population of 30,000,000, the tax was 6,500,000*l.* In Madras, with a population of only half that of the former, the tax was 4,500,000*l.*, being in the former case 4*s.* 4*d.* a head; in the latter, 6*s.* 4*d.* He did not lay great stress upon that point, but it justified the Government in considering the question of the preference of Madras. There was another point, too, connected with the comfort of the people of that presidency well worthy of consideration. The House knew how necessary salt was to the health of individuals. In Madras, however, the price of it was quadrupled by the difficulty of procuring it, and some of the people in the interior were forced to make use of a kind of earth with saline particles in it as a sorry substitute in so important a necessary. He had now endeavoured to lay before the House the question of the railways to which the Government had already given their sanction, and likewise the question of that line he wished to bring under the consideration of the Government. They could hardly tell the importance of increasing the means of internal communication in India, and the effect it would have on the productions of that country. If they looked to India and saw how little they had done for it, surely it must be the feeling of every man that the time had now come when the question ought to be fairly considered. He had endeavoured to lay it before the House, but he feared very inadequately; but he regarded it as a question of vast importance, and one of many duties they had to perform to India—a country with a population of 100,000,000, whose happiness and future prospects must materially depend on the performance of their duties towards them. A country extending over 25° of latitude and 30° of longitude now acknowledge British rule, and when they considered the mighty empire that was under that sway, England might well feel proud. But when they looked to those remains that had been left behind by great Hindoo governors, showing that they felt for the wants of the people in bygone days, and which were scattered through every part of India, they must feel that the time had come for England to step forward and lay down for herself some lasting memorials which might tell to future ages that amidst all her triumphs and glories she did not neglect her duty to her subjects.

Motion made—

> "For Copies of any Papers not already laid before Parliament, referring to the general question of Railway Communication in India, together with Copies of any Correspondence which may have taken place between the Home Authorities and the Madras Government in reference to the proposed Railway between Madras and Arcot."

Mr. J. WILSON said, he did not rise to refuse the assent of the Government to the proposal of the noble Lord, and much less to complain of the manner in which he had brought forward this subject, for in doing so the noble Lord had done credit to himself and also justice to the cause he had supported. But after the remarks of the noble Lord, he hoped the House would allow him (Mr. Wilson) to make a few observations, partly in explanation of the remarks of the noble Lord, and partly to correct some of the misapprehensions under which he appeared to labour. He was sure that those who knew what the Company had done for India in the last two years would be the last to condemn the Government for looking with indifference to that great subject to which the noble Lord had called their attention. He admitted that it would be difficult, looking at that vast empire, for any question to be brought forward more important in itself, or more pregnant with future results to the happiness and civilisation of India, as well as to the commercial interests of this country; and it was in that spirit, and with those views, that the East India Company and the Board of Control had taken steps which, under any other circumstances, they probably would not have taken. The noble Lord had referred to the present condition of India with regard to the cultivation of cotton and various other articles with which that country supplied us, and he thought the noble Lord had exercised a wise discretion in not discussing that subject at any length, seeing that next week there would be an opportunity for doing so. The noble Lord appeared to have overlooked the fact of the enormous increase in the supplies from India of the articles of indigo and sugar, not only to England, but to other countries. It was only in the last century that the cultivation of indigo had been introduced into the Indian empire, and during that period it had nearly superseded the cultivation of that article in every other part of the world. At this moment our Indian empire supplied that commodity not only to England, but to almost the whole of Europe. Then, with regard to sugar, it was only seventeen years since only 7,000 tons were the whole quantity annually obtained from India. Now, the quantity was increased to ten times that amount. But he came to the important subject which the noble Lord had brought before the notice of the House; and he believed that if the noble Lord had known a little more accurately what had really been done, and the anxiety the Company had exhibited, and the support the Government had given the Company, as to carrying out railways in India, he would not have thought so lightly of those exertions as some parts of his speech seemed to infer. It was quite true, that when this subject was first before them the Government were undetermined as to the best mode in which railways could be made in India. It was quite true, also, that several private companies were started in 1846, and from that period the subject had been under the consideration of the Government. The noble Lord had carefully alluded to the three different propositions which were before the Government about the period to which he referred—that there was a proposition for a railway in Bengal, another for a railway in Bombay, and a third for a railway in Madras; but he begged the noble Lord's attention while he made this distinct avowal on the part of the Government, for the speech of the noble Lord would lead to this inference, that the Government had been influenced by a preference of the two former presidencies in giving their sanction to the railways which he had mentioned; that the Government, in coming to their decision, were not influenced by any preference which those presidencies might be considered to have, and that it was from other considerations that the Madras Railway was not sanctioned, for he thought that each presidency had an equal claim upon the Government for every effort that could be made for its advancement. The Government had consented to give to the railways in Bengal and Bombay the guarantee to which the noble Lord alluded; but the noble Lord must have overlooked the circumstance that if they were to make a railway from Calcutta to Delhi, the great political importance of which the noble Lord had been the first to acknowledge, and he thought the noble Lord would also admit its commercial importance—for no one could deny that Calcutta and Delhi were the two points in our Indian empire which it was important should be united—they must begin at some point. [Viscount JOCELYN: The first line in England was the complete line between Liverpool and Manchester.] He only said that part must be made before the whole; and if the noble Lord thought that the Government had only determined to make part of the line, and intended to stop at that point, he was mistaken; or, if the noble Lord thought the East India Company were prepared to take the result of that first section of the line of railway as a conclusive evidence whether railways would answer in India or not, he was also mistaken. But, although it had not been actually determined—for the Indian authorities at home had very wisely left the consideration of these minor details to the Government of India on the spot—what course that line should take, except that it should run generally through the north-west provinces, with a view to carry out the ultimate object the Government had, yet there was a place sixty or seventy miles from Calcutta from which might be expected much traffic—he alluded to Nuddea, which was a town immediately connecting the three rivers which joined the Hooghly and the Ganges, and one of which was generally open, although the other two might be closed. Then the noble Lord referred to the experimental line which had been sanctioned by the Government in Bombay, and, although he said afterwards everything in his power to condemn it, yet he justly stated, that as a commercial line it appeared to be of greater importance to the manufacturing interests of this country than any other, and simply because it would run towards the great centre of the cotton districts; but that line was no more intended to stop at the first point indicated, namely Callian, than was the first section of the line from Calcutta. They had been so much disappointed in this country in all their calculations as to the quantity of traffic on lines, that he would not venture to say what it might be in India. When the question of the Manchester and Liverpool Bill was before the House, the question of passengers was scarcely even mentioned—the calculations were made with reference to the carriage of goods; and yet now the calculations were not of goods, but of passengers. He assured the House that the East India Company and the Government were perfectly disposed to extend the same privileges to Madras which they had given to the other presidencies as soon as they were in possession of the information which they had already taken means of obtaining. It was a question of time; it was not a question of preference; and he thought the noble Lord must admit that they had some considerable reason for their present course, seeing that they had no report whatever before them as to the line in Madras. They had no report later than that of the year 1837 or 1838 to which the noble Lord referred, and the noble Lord must recollect that that report was made for a totally different purpose. When it was proposed to make a railway to Arcot it was not with a view to the general system of railways in India, but as an independent line to bring a cheap and large supply of salt to Madras; but as soon as railways became a matter of speculation in India, it was most obvious that whatever railway was made in Madras should be made with reference to the system of railways contemplated in other parts of the country. Now there was a considerable difference of opinion, whether the particular line from Madras to Arcot would answer the description which Mr. Sims thought desirable; whether it would not be better that the line should run rather to the north-west, with a view to join a general system of railways in the presidency of Bombay. Again, one report said it would cost only 4,000*l.* a mile; another, 5,000*l.*; another, 6,000*l.*; and Mr. Sims' report was, that it would cost 8,000*l.* a mile. Four reports, therefore, varied in these particulars, and the Government would not be justified in coming to a conclusion without a specific report as to the particular line that ought to be adopted, and some better estimate of the probable cost. But another reason which had actuated the Government in the course they had taken was this: the noble Lord was aware that the system which the Government had undertaken as to railways in India, was novel in its character, and it was, therefore, only prudent in the Government to see the operation of the principle before they extended it too far. The noble Lord was also perfectly aware of what encouragement the East India Company had consented to give to these railways; he was aware that the Company had given them the land free—that they had guaranteed interest on the capital—[Viscount JOCELYN: Not a dividend]—at 5 per cent for ninety-nine years, and that at any time during that period, if the railway companies chose, they might call on the East India Company to purchase the railways at prime cost. He thought, therefore, that the noble Lord could not charge the Government with not having extended its most liberal sanction to railways in India. By a late mail—the one before the last — some of the India papers contained statements to the effect that some great impediment had been discovered, on the arrival of the engineers in Bengal, against making railways in that presidency; and it was said broadly that the idea was abandoned and given up. He might state, for the satisfaction of the House, that he believed there was not one word or tittle of truth in that statement. On the contrary, the railway companies that had been guaranteed—the East India Railway Company and the Bombay Railway Company—were proceeding to the entire satisfaction of the East India Company; and he believed that their prospects were better than they had been at any former period. He could only conclude with assuring the noble Lord and the House that already the Government had anticipated the noble Lord, for they had despatched a letter to the Government of Madras, requiring them to furnish, at the earliest possible period, the information necessary to enable them to extend to Madras the same privileges which they had given to the other presidencies; and he believed that on receiving that information no time would be lost in extending to Madras every advantage and encouragement which had been already extended to the other two presidencies with respect to the lines to which the noble Lord referred.

MR. AGLIONBY said, that there could be no doubt that Government had dealt most liberally in extending railway communication to India, and the same would be extended to the Madras presidency. There should be a controlling power sitting continually at the board of these companies. Under such an officer, not only was public confidence inspired, but great satisfaction was created. The agreement which Government had made for the public had been complained of as too liberal; but in a great undertaking of this sort, subject to so much doubt, in an unknown country, it was plain that no capitalists could have ventured to vest their money unless they were guaranteed, and Government were fully authorised in giving the concession without which they could not so well have effected their object. The Government here should not decide the exact point. No one could do it so well as the Governor General of India, and he had no doubt that they would select such a line as was best adapted to the pecuniary wants of India.

SIR T. E. COLEBROOKE said, that the Indian public would be thankful for the attention which had been paid to their interests. He had followed the policy and history of recent attempts to introduce railways into India, and had laboured under a misapprehension that this limited line to be entered into in the province of Bengal was to be understood as an experiment upon which the success and value of railways in India was to rest; but he now understood that this line was to be considered as the commencement of a far more important project. There was another misapprehension of the public, namely, that this line was to terminate half way between Calcutta and Delhi. The line would traverse for two-thirds of the way a hilly country of very little population, which scarcely had one single great town in a distance of 500 miles in length, and would only have its value as the commencement of a more important line which would join the commercial classes generally with the capital of India. There certainly could be no line of more importance to India, either in a military or commercial point of view. He feared, however, that if the question did not advance more rapidly than it had hitherto done, some time must elapse before it had any effect on the development of Indian resources. He feared that the delay had been mainly caused by the error of entrusting the enterprise to a joint-stock company instead of having it achieved by the Indian Government. He thought, however, that the thanks of the House were due to the noble Lord for having elicited the views of the Government on this great question.

MR. HUME believed the only certain mode of developing the inexhaustible resources of India was by railways and irrigation; and it was not so much the weight of taxation as the want of the means of disposing of its produce that prevented the extension of commerce in that country. It was said, that the Government had been more the cause of the delay in extending railway communication to India, than the East India Company itself; and he certainly thought it most unsatisfactory that only 70 miles out of between 400 and 500, was all that was commenced. He had no doubt that the result of the experiment of the first 70 miles would be favourable; but they ought not to wait till that experiment was tried before commencing farther extensions of the system. He wished to see a railroad formed without delay from Delhi to Allahabad, with branches extending to the military stations; and if the East India Company had carried out such a line themselves, he was satisfied that the saving it would effect for them in the economy of military stores alone would defray a large portion of the expense of construction. He was convinced that the saving of life, labour, and all the etcæteras for the troops, together with the traffic that might fairly be expected from the district, would liquidate the entire outlay required for the line within five or six years. There had also been delay in other parts. He thought there ought to be a railway from Madras to Bombay, across the peninsula, by which the communication would be greatly accelerated, and the traffic largely and rapidly increased. Expense was not the only point to be considered; because politically, commercially, and in every respect, railways would be of immense benefit in India. He hoped, before long, to hear that the line from Mirzapore to Calcutta had been begun at the upper as well as at the lower part, and that the system was being speedily extended throughout India generally.

Sir J. HOBHOUSE was not surprised that the hon. Member should declare himself not entirely satisfied with the progress which railroad communication was making in India; because, from long and intimate experience of his character, he knew that it was not easy to satisfy him upon any point. In all that had been said upon this occasion as to the importance of railroads for India, he entirely concurred, and he was exceedingly glad that the noble Lord the Member for King's Lynn had been the first person to call the attention of the House to the subject in a way which might have fairly been expected from his experience—from his devotion to the interests of India—from the office which he had held—and from the attention which he was known to give to subjects of the kind. After the speech of his hon. Friend the Member for Westbury, which seemed to meet almost every point to which the noble Lord had adverted, it was unnecessary for him (Sir J. Hobhouse) to enter into any detail, and he would defer to another opportunity the notice of the only points on which he ventured to differ from the noble Lord—namely, the political condition of India, and the merits or demerits of those to whom the government of that country had been intrusted. With respect to those points, he entirely differed from the noble Lord; and when the subject should come properly under discussion, he hoped to be able to show that the East India Company had not slumbered at their post, and had not forgotten what was due to their own character or the happiness of the many millions of people intrusted to their care. This, however, was not the time to enter upon that discussion; and he would now merely touch on one or two points which his hon. Friend had, it was true, adverted to, but without developing as fully as other topics. The House was not yet aware of the reason why the Madras Company had not obtained the same degree of encouragement as had been given to the two other railroad companies. In the first instance, it was the intention of the East India Company and the Indian Government to have given the preference, if possible, to the Madras line, for the very reason the noble Lord had mentioned—namely, that it had the advantage of the others as regarded engineering facilities as well as of the population of the country through which it would pass. There were, besides, other considerations which induced the East India Company to look with favour upon that line, and the noble Lord had briefly alluded to what had occurred; but when the Indian authorities wished to keep the Madras Company alive it died. When they wished to prolong its existence, it had no longer an existence to prolong. It was impossible to support a nonentity. When, subsequently, gentlemen who had been connected with the Madras Company asked the Indian authorities why they had not given them the same guarantees which had been given to the Bengal and the Bombay Companies, the Indian authorities very naturally asked why the Madras Company had not come forward with the same offers as the other companies. That was the reason why the Madras experiment had not been tried simultaneously with the other two experiments. The delay which had occurred with respect to the

Madras Company was attributable chiefly to misfortune, not to culpability. It was owing to the disgraceful transactions in regard to railroads which had stigmatised this country, and would for ever remain a blot on its history—transactions which showed that the spirit of speculation had not been confined to those who were supposed not to have as nice a sense of honour as persons moving in the higher classes of society; but had spread amongst the well-educated and the upper classes, and extended to that class to which the people of England had long been accustomed to look up, not only for the making of laws but the forming of morals. To the discredit brought upon all railroad speculations by those transactions must be attributed the failure of the project to which the noble Lord had so pointedly referred, in spite of the efforts which the East India Company constantly and almost recklessly, as regarded their own interests, made to avert the catastrophe. An examination of the state of the money market at the time would show the reason why the Madras railroad had not been carried on simultaneously with the Bengal and the Bombay lines. But, although the Madras Company had unfortunately suffered a check, the undertaking was not abandoned; and if those then present should live to meet each other at this time next year, they would probably have cause to congratulate each other on the progress of the Madras line. It was not his intention to enter at any length into the question whether railroads in India should have been left to the enterprise of private companies, or undertaken on the responsibility of the Government. The whole question was fully considered when the noble Lord was at the Board of Control in 1845, and the Earl of Ripon decided that railroads in India should be undertaken on the responsibility of companies, as they had been in England. That determination was arrived at after long deliberation; but whether it was a wise conclusion or not was another question. For his part, he thought it would have been a wiser course for the Government to have undertaken the responsibility of constructing railroads in India. The advantages which would result from the rapid transmission of goods and military stores, and other considerations connected with the question, would, he thought, have justified the Indian Government in spending 1,000,000*l.* or 2,000,000*l.* at once on those great enterprises. That, however, was not the question before the House at the present moment. The only point now raised was as to the degree of encouragement which the Indian Government had given to the companies which had undertaken the formation of railroads in that country. His hon. Friend the Member for Westbury had stated clearly the encouragement which had been extended to those undertakings. The Government had given the land for the line; it had also guaranteed interest on the capital to be expended in forming them, and if, after a certain number of years, the companies found the speculations unprofitable, they had nothing to do but to hand them over to the Government, who undertook to purchase them. It was impossible for any Government in the world to give greater encouragement than this to such undertakings. Without wishing to detract from the merit due to the noble Lord, he begged to assure him that the Government did not want any stimulus with reference to this subject. They required the curb rather than the spur; and he would say to the noble Lord—*Parce, puer, stimulis, et fortius utere loris.* The Earl of Ellenborough, in another place, blamed the Government for proceeding too hastily rather than too slowly, and complained of pledging the Government of India on behalf of undertakings which ought to be left to the enterprise of private parties. Having said thus much, it was necessary only to add, that the Government had not the slightest objection to grant the papers now moved for by the noble Lord, or any others that he might apply for, and that the Government would make every effort to bring to a happy conclusion the object which the noble Lord had not more at heart than he himself had.

MR. MANGLES said, the East India Company had no funds in their coffers to carry on those great works. He would be the last man to disparage what had been done, but he thought more ought to be done. A railroad, seventy miles in extent, starting from Calcutta, could not be regarded as a fair experiment of the financial success of Indian railways. He thought the experiment ought not to be tried in the lower part of India, seeing that a noble river, from which the traffic would not be diverted, ran along the proposed line. It would have been better to start such a line from Benares; but it was now, perhaps, too late to remedy that error. He thought it desirable that the Government itself should engage in the construction of railway lines in the central and south-western parts of India; and if they had not the money, let them see if they could not borrow it, for to promote the great works of peace was at least as desirable as to carry on war.

Viscount JOCELYN replied: From the observations that had fallen from his right hon. Friend the President of the Board of Control, it might be inferred that his (Viscount Jocelyn's) Motion was made in a hostile spirit to the East India Company. [Sir J. Hobhouse: Oh, no, I did not say so.] He had stated distinctly that he knew the East India Company were quite alive to the necessities of the population, and to the improvement of the country. The object of his Motion had been attained. He had heard from the Government that it was not their intention to deny to the Madras railroad that support and that guarantee that was given to the Bombay and Bengal lines. He felt gratified that he had brought forward the subject, for it had elicited the opinions of the Government; and the subject was one of the greatest importance, not merely to the native population of India, but to the people of this country.

Motion agreed to.

The House adjourned at Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, June 12, 1850.

Minutes.] Public Bills.—1ª Court of Chancery. *Reported.*—Landlord and Tenant. 3ª Small Tenements Rating.

[Mr. Speaker took the chair at Twelve of the clock in the New House of Commons.]

LANDLORD AND TENANT BILL.

Order for Committee read.

Mr. PUSEY moved that the House do then resolve itself into Committee on the above-named Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Colonel SIBTHORP said, that the Bill had been before the House Session after Session, and he was bound to say that all the information which he was able to obtain through the principal land agents in all parts of the country led him to a conclusion most unfavourable to the measure. One of the Members for the county of Lincoln was opposed to the Bill, and every one who wished to see a good understanding maintained between the landlords and the tenants of England would resist a measure so evidently calculated as that was to disturb all the kindly feelings hitherto existing between those classes. To such a measure he should now oppose a decided negative; but, if he at present failed in checking the progress of the Bill, he was determined, nevertheless, to oppose it at every future stage. He thought that the hon. Gentleman opposite the Member for Berkshire would be one of the last men in that House to do anything to disturb the relations which had long subsisted between landlord and tenant.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "This House will, upon this day six months, resolve itself into the said Committee," instead thereof.

Mr. S. CRAWFORD was sorry to differ from the hon. and gallant Member for the city of Lincoln, but he felt bound to support the Bill; he should support it, though he did not think it went far enough. If all landlords were like the hon. and gallant Member, there would be no need of any such measure; but in the northern parts of the country he believed that something of the sort had become quite necessary.

Mr. CHRISTOPHER coincided in the view taken by the hon. and gallant Member for Lincoln with regard to the general feeling upon this measure. His own constituents were certainly opposed to it. What was wanted on behalf of landlord and tenant was some measure enabling persons who had settled estates to give tenants some tenure in the lands they occupied on account of monies sunk in them. But if other counties in the country would follow the example of that of Lincoln, the arguments put forward in favour of this measure would have been wanting. He thought that the measure now proposed was preferable to the former Bill on the same subject; but after having read the evidence, he could not avoid saying that he was, on the whole, unfavourable to the Bill now before the House, for he apprehended that it would lead to improper interference between landlord and tenant, and he regretted to observe that there was in the Bill much that ought to be left as matter of arrangement between the parties interested.

Sir G. STRICKLAND said, the tenant

farmers of Yorkshire were entirely opposed to this species of legislation; and he was satisfied that any attempt to legislate on the relations between landlord and tenant would give rise to endless litigation. As the Bill was permissive where no permission was required or necessary, and could only be mischievous in its tendency, he should feel bound to support the Amendment that it be committed this day six months.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 65; Noes 22: Majority 43.

Main Question put, and agreed to.

House in Committee; Mr. Bernal in the chair.

Clause 1.

Sir J. Y. BULLER moved that the words "or of such articles of food for cattle, sheep, or pigs" be struck out.

Mr. PUSEY was proceeding to defend the clause, when

The CHAIRMAN said, it would be impossible for hon. Members to hear the nature of the Amendment and the objections to it unless they preserved a strict silence.

Mr. AGLIONBY, who was seated on the second bench on the Ministerial side, immediately behind the hon. Member for Berkshire, said, "We who are sitting here cannot hear one word."

Mr. PUSEY said, the words objected to by the hon. Member for South Devonshire were suggested by the right hon. Member for Tamworth, and they formed, in his opinion, one of the most important points in the Bill. It was the practice of all the best farmers in the country, and particularly Norfolk, Lincolnshire, and Suffolk, to purchase cattle and fatten them, but not with a view to derive a profit upon the mere purchase and sale of those cattle. The cattle and sheep were kept for the sake of the manure, and the Committee would call upon the farmers to improve their land for the benefit of the landowner, if they agreed to this Amendment.

Mr. AGLIONBY thought the proposition of the hon. Baronet would have been much more intelligible if it had gone the length of striking out the entire clause; but in its present shape it would be detrimental to the tenant, and therefore he must support the clause in its original form.

Mr. DRUMMOND complained of the vague manner in which the clause was worded. The phrase "improvements" would be a fruitful source of litigation, as it would be hard to reconcile men's minds as to what was really an "improvement" and what was not.

Sir J. GRAHAM said, that the exhortation of the Chairman, that Members should preserve a strict silence, was indeed necessary, because, although in the old House it was said that the debates were one-sided, in this House they were inevitably so, in another sense. Thus, although hon. Members heard every word which came from hon. Gentlemen opposite, yet they could not hear a word of what was said by hon. Members on their own side of the House. They were, therefore, discussing the measure at a great disadvantage, for they heard half, and only half, of what was going on. As the Committee appeared about to resolve itself into a farmers' club, he must admit that he could not pretend to vie in agricultural knowledge with preceding speakers. It did not, however, appear desirable to him to place such artificial manures as guano and bones upon the same footing as food purchased for the feeding of animals. The tenant did not receive an immediate return from the guano and bones, but a great portion of the food for animals did give him a large and immediate return. It was said that these animals were regarded by the farmer as machines for converting food into manure, and that they were not bought and fed with any expectation of profit. So far as his experience went, that was not a true description. He believed that cattle, sheep, and pigs, if bought with judgment, did return a large and considerable profit, even although the farmer should give them food for fattening them more speedily. It would be said that no harm could result from the operation of this clause, because it would not come into operation unless by agreement between landlord and tenant, without which it would not be binding upon the former. But by the 9th clause he found that this agreement, in default of some stipulation to the contrary, would be binding upon the remainderman. If the tenant for life should enter into an imprudent bargain, that was his own affair, and he might be left to look after his own interests. But he could not consent that the reversioner shonld be bound by an agreement which would be a still worse bargain for him than for his predecessor. He believed that the words objected to would give rise to very considerable disputes between landlords and tenants, and he would therefore vote for their omission. From what he knew of practical agriculture, he could not think it right to make the landlord pay for the tenant's purchase of hay, for instance, because it was often better farming economy to purchase hay than to grow it, and particularly in water meadows.

Mr. S. HERBERT quite agreed that food might be purchased and yet cattle might be fed at a profit; but with that exception he differed from the whole of the right hon. Baronet's remarks. He did not think that the question, whether cattle could be fed with a profit or not, was at all an element in this discussion. The right hon. Baronet was ready to include artificial manures, and also allowed that improvements having a permanent effect on the property could fairly be charged against the reversioner; but if he admitted guano and similar manures, he (Mr. S. Herbert) could not see any principle on which he could exclude the oil-cake, for instance, from which manure was made. If arrangements were allowed to be entered into with respect to compensation for artificial manures, what ground was there for such an interference with the rights of property as to prevent similar arrangements being entered into with respect to the feeding of cattle, sheep, and pigs? He would venture to say that a better argument against the law of entail (which he believed to be essential to the stability and well-being of the country) could not be used than to urge that the system of entails obstructed the improvement of the land, which would otherwise be effected. He should oppose the omission of the words proposed to be struck out, because he thought the law ought not to prevent landlords from making bargains with their tenants, which were necessary for the improvement of the soil.

Mr. AGLIONBY thought that the right hon. Baronet the Member for Ripon had been led away in his opposition to the clause by the system of farming in the northern counties, and had totally overlooked the practice pursued in the south. In Hampshire and other southern counties, it was customary to fold sheep on small pieces of land, and feed them highly principally for the sake of manure for the land for the next crop.

Mr. FLOYER said, the principal objection he had yet heard urged against the clause was that it would lead to endless litigation. He would support the Amendment of the hon. Baronet the Member for South Devonshire, because he thought it would be very difficult to settle the question of compensation with regard to the food given to cattle; and the result must be that differences and disputes would arise.

Mr. NEWDEGATE thought that some improvement might be made in the mode of valuation, but was not prepared to recognise so great a change as was proposed by this Bill. If they passed this Act without some limitation on parties to charge their successors, which would inflict a wrong upon those successors, they would most effectually invalidate the law of entail. If a person having a life estate had power to charge his successor to an unlimited extent, as he would under this Bill, the measure, instead of being a benefit, would be an injury, for it would be an absolute encouragement to the tenant for life to beggar his successor. He had hoped that the hon. Gentleman the Member for Berkshire would have introduced a clause with regard to the power given to the tenant for life to charge his successor; and he (Mr. Newdegate) begged to give notice that, on the report being brought up, he would move the introduction of a clause limiting the power of a person in possession of a life estate to charge the interest of his successor.

Mr. PUSEY said, the principle involved in the clause was nothing more than the tenant-right of Lincolnshire, and the result of very minute inquiries made by two successive Committees of that House. With rogard to what had fallen from the right hon. Baronet the Member for Ripon as to the profitable feeding of sheep and cattle, he might be right so far as Scotland and the north of England were concerned, but his observations did not apply to the south and west. In his belief the two kinds of manure used by the farmers—that derived from artificial substances put into the land, and that derived from the feeding of animals, ought to be placed upon the same footing. The right hon. Gentleman asked if any prudent gentleman was likely to saddle his property with this sort of charge for feeding sheep and cattle. In answer to that, he could tell him that the Earl of Yarborough had introduced this very principle into the management of his property in the Isle of Wighe. It was rather inconsistent on the part of the hon. Member for South Devonshire, who always took a very desponding view of such matters, to suppose that the farmers would, under this clause, rush in with such an amount of capital for the improvement of the land by artificial manures as would completely overwhelm the landlords.

Sir W. JOLLIFFE believed that the clause, as it stood, would give rise to a great deal of litigation among the farmers. It was all very well to tell him that it was founded upon the tenant-right of Lincolnshire; but there was also a tenant-right of Surrey with which landlords were saddled, and how were they to graft the tenant-right of Lincolnshire as to sheep and cattle upon the other? Really the landed interest was not in such a condition as to warrant the imposition of a burden like this. They had only to read the reports of the *Times* Commissioners as to the state of agriculture in those districts which they had visited, in order to be satisfied of the impolicy of a proposal like this. The enactment of a provision of this kind would only lead to discontent and disappointment, and therefore he would vote for the omission of the words included in the Amendment.

Mr. K. SEYMER said, the supporters of the Amendment conjured up all sorts of contingencies, such as landlords making imprudent bargains with their tenants, and the probability of the interests of the remaindermen being injured; and, on the ground of these, they justified the omission of the words relative to the sheep, cattle, and pigs; but, as he thought these contingencies should not weigh against the benefits of the measure, he would vote for the retention of the words.

Colonel SIBTHORP was not surprised that lawyers should be found supporting this Bill, as it would bring grist to their own mill. He was opposed to the measure out and out, and would, therefore, vote for the Amendment.

Sir J. GRAHAM must remind his hon. Friend the Member for Berkshire that the results of the application of artificial manures, such as guano or bones, were much slower than the effect produced by the use of articles purchased for feeding sheep or cattle, and which included a return partly from the animal and partly from the land; therefore, he did not feel the force of the observation made by his hon. Friend, that the two kinds of manure were to be placed exactly on the same footing. Again, he demurred to his general statement, that there was no profit from the feeding of sheep and cattle. He believed that if sheep or lean cattle were judiciously purchased, and properly looked to in the feeding, they might be brought to market at a good profit. [Mr. Pusey: That is in the north.] But there were lean cattle in the south as well as in the north, and he did not see why they could not be reared there with equal profit. Taking the present price of wool, as well as the price at which the animal might in ordinary circumstances be disposed of, he believed that a lamb bought with judgment and kept for twelve months, would yield a very good profit to the farmer. He would not now enter upon a premature discussion of the ninth clause, which concerned the reversioner, but reserve his observations on this subject till the clause was before the Committee. This question had been treated as a constitutional question, and he thought there was something rather strange in that observation concerning it; but when he heard the remarks of his right hon. Friend the Member for South Wiltshire, with respect to the effect it might produce as regarded remaindermen and the law of entail, then he must say it had a constitutional aspect. If the law of entail was to be attacked, let them attack it openly; but let them not attack it insidiously by a measure of this kind, which would place the remainderman in a most disadvantageous position.

Sir J. Y. BULLER viewed with alarm all those measures that enabled the gentry of this country to saddle their estates with burdens that would go down to their successors. He was confident that the landed interest could alone overcome the difficulties which might beset them by being free from debt. By this clause a landlord might be assailed by two or three outgoing tenants at once, claiming compensation from him at a time when he was unable to give it from want of money. As to the profit to be derived from feeding cattle, he certainly went with the right hon. Baronet the Member for Ripon, rather than the hon. Member for Berkshire. The hon. Gentleman seemed to think that if these words were struck out, they would raise the price of meat. If he (Sir J. Y. Buller) thought that would be the case, he would press his Amendment just all the more strongly.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 65; Noes 84: Majority 19.

Clause, as amended, agreed to; as were also Clauses 2 to 8 inclusive.

Clause 9.

Mr. T. GREENE proposed an Amendment, to the effect that the word "owner" should not extend to the incumbent of any ecclesiastical benefice.

Mr. NEWDEGATE said, the condition of land held by the Church was lamentably unsatisfactory, owing to the absence of any power to charge that land for improvements. At the same time, it might happen that a clergyman in possession of a living might have ample means besides those derived from that living, and, having sanctioned improvements, might leave the living the next day, and so throw the burden of them on his successor. He, however, intended to move an Amendment on the bringing up of the report, that persons in possession of a limited estate should not have the power of charging the estate of his successor beyond a certain amount.

Mr. PUSEY said, the Bill was founded on the practice in Lincolnshire, in which county there were many holders of glebe land, and the practice had not been abused.

Sir J. GRAHAM proposed that the consideration of this part of the Bill should be postponed in order that the hon. Member for North Warwickshire might have an opportunity of framing his proviso, because, if the Amendment of the hon. Member for Lancaster were agreed to, it would be equivalent to an enactment against all improvements of glebe. At the same time there ought to be some limitation of the outlay, and that the consent of the patron and ordinary should be required.

Mr. T. GREENE said, there was a strong feeling that some protection should be given to the clergy; and in order that the subject might be fully considered he would postpone his Amendment until the bringing up of the report.

Mr. TRELAWNY objected to the clause generally, and moved its rejection.

Mr. TURNER objected also to committees of lunatics having the power referred to.

The SOLICITOR GENERAL said, the words in the clause should have been "committee of the estate of the lunatic," and not of the lunatic himself. What his hon. Friend proposed was, that the same power should be given to the committee of the estate, subject to the approbation of the Court of Chancery, as the lunatic himself would have had.

Mr. WALPOLE thought that it would be expedient to omit that portion of the clause which gave power to the mortgagee or incumbrancer in possession to enter into any agreements on behalf of the owners. The effect of allowing this power to the mortgagee in possession would be, that it would be in his power to allow money to be laid out upon the land, which would throw a greater onus upon the mortgagor with respect to the principal and interest which he would have to pay, in order to disincumber his property. In point of fact, it would enable the mortgagee to improve the mortgagor out of his estate. Upon the other hand, he thought that the mortgagor ought not to be allowed to alter the value of the security without the consent of the mortgagee.

Sir J. GRAHAM said, that the case of a mortgagee in possession was somewhat rare; but, if a mortgagor himself were disqualified from improving his estate under this Act without the consent of all who had charges upon it, the expense would be so enormous, and the delay so great, that he would lose the advantage of such improvement. In the first instance, however, he certainly thought the House should strike out the words proposed by his hon. and learned Friend the Member for Midhurst to be omitted.

Mr. PUSEY said, that the principle of the Bill was that no charge should actually fall upon the land, but upon the incoming tenant. The clause had been carefully prepared by a skilful conveyancer, and he believed it was precisely similar to the provision which existed in the Drainage Act.

Mr. WALPOLE said, that he would take the opportunity of referring to the clause with respect to the rights of mortgagees in the Drainage Acts, and hoped that upon the bringing up of the report the hon. Member who had charge of the Bill would consent to strike out that portion of the clause to which he had referred.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 117; Noes 46: Majority 71.

House resumed.

Bill reported; as amended, to be considered on Monday next.

COURT OF CHANCERY BILL.

Order for Second Reading read.

Mr. TURNER, after presenting a petition in favour of the Bill from the solicitors practising in Chancery, proceeded to express the gratification he felt at the circumstance of his Bill being approved of by the gentlemen whose petition he had just presented. A measure which obtained the approval of those through whose instrumentality it was to be carried into effect, was the more likely to be worked to a beneficial end. The conduct of the solicitors in Chancery, in petitioning in favour of the measure, was a proof that the imputation frequently cast upon them of being unwilling to concur in reforming the practice of the court, lest their interests should thereby be injuriously affected, was altogether unfounded. It was not without considerable hesitation he had ventured to introduce a measure for diminishing delay and expense in the Court of Chancery, for no one was more sensible than he was of the great difficulty of dealing with the subject. The consideration which he had found it necessary to bestow upon the details of practice in the preparation of this measure, had convinced him of the absolute necessity of proceeding with the most scrupulous care. In many instances, whilst proceeding in the execution of the task he had proposed to himself, it had become apparent to him that the evils resulting from some of the regulations which had originally suggested themselves to his mind, would have been greater than the evils they were intended to remedy. Another consideration influenced his determination to proceed with the utmost caution, namely, the enormous amount of the property subject to the jurisdiction of the Court of Chancery, and the great danger which would arise from any incautious disturbance of that jurisdiction. The control of the Court was by no means limited to the funds vested in the hands of the Accountant General; it extended to all personal property vested in trustees of every description, and it was probably not saying too much to affirm, that as much as half the personal property of the kingdom, as well as a large portion of real property, came under the jurisdiction of the Court of Chancery. It was no light thing to create disturbance in the administration of such a mass of property. There were other considerations which had induced him to doubt whether he should be justified in bringing forward the measure now before the House. He looked back to the many able and experienced men connected with the Court of Chancery who had preceded him in that House, and who were most desirous of accomplishing reforms in the court in which they practised: among whom might be mentioned the father of the present Solicitor General, the late Sir John Leach, the Lord Chancellor himself, and the Chancellor of the Duchy of Cornwall. It might appear presumptuous in him to attempt that which the eminent men referred to had failed to accomplish. Nothing but a deep sense of an imperative public duty could have induced him to persevere in the task he had undertaken. It had fallen to his lot to see so much property wasted in inquiries in the Court of Chancery—to behold so many families utterly ruined in consequence of the honest discharge of duty by some of their members, that he felt it to be an obligation which he owed to the House and the country to bring forward a measure for the remedy of these evils. In the first place, it might be desirable to explain why his Bill went no further. As the Bill was originally devised, it embraced a scheme both for preliminary proceedings and the working of suits in the Masters' Offices; and he had proceeded so far in the prosecution of the plan as actually to have had the clauses as to preliminary proceedings drawn, and the scheme for the Masters' Offices arranged, when it came to his knowledge that the Judges of the Court were preparing some orders to regulate the practice in those respects. It was his opinion that the Judges of the Court were the persons best fitted to effect reforms, and that by diligently applying themselves to the consideration of the subject they would be able to accomplish more in the way of the removal of evils and the saving of expense than could be accomplished by the enactments of any Act of Parliament. The moment, therefore, he became aware that the Judges of the Court were directing their attention to the preliminary proceedings, and the proceedings in the Masters' Office, he had communicated to them every thing which had occurred to him upon either branch of the subject. The Judges had proceeded on their own plan, with reference possibly in some degree to his suggestions, and, in his judgment, they had produced a result which was, in many of its features, far superior to the scheme he originally formed. He hoped and believed that the new orders issued by the Judges in Chancery would lead to extremely beneficial results, and he felt happy in being able to state that already they had been so extensively adopted by the profession, that in the course of a few weeks no fewer than 120 claims had been entered under them. The Bill proceeded upon a new principle as regarded the practice of the Court of Chancery.

Hitherto it had been the rule of the court to administer complete justice in all cases in which it interfered. For instance, the court would not deal with a portion of property; it would have the whole property before it as well as all the parties in any way interested in it, although they might not be in any manner interested in the particular question which had brought the case under the jurisdiction of the court. The consequence of this endeavour on the part of the Court of Chancery to do complete justice was, that in many instances it incurred the opprobrium of doing injustice. The heavy expenses complained of in Chancery proceeding, chiefly resulted from this attempt to work out a perfect system of justice. Against this evil his Bill was mainly directed. It occurred to him that, in cases relating to the construction of a will, deed, or any other instrument, when all parties agreed, and were only desirous of obtaining the decision of the court, it would be most desirable to allow them to state a special case for the opinion of the court. By this means executors and trustees would be able to ascertain what the law was, and to act in accordance with it, without the necessity of involving the estate in an expensive suit. Take, for example, a simple case, that of a question arising as to the right to a share in a residuary estate. The claimant files a bill, and all persons interested in the estate, though having no interest whatever in the particular question, are made parties in the suit, and served with an order of the court. The suit comes on for hearing, and is then referred to the Masters' Office, where all the accounts are required to be taken, and a great expenditure of time and money takes place before a very simple point can be settled. The Bill proposed to get rid of all these preliminary inquiries and taking of accounts, and to enable parties in such cases to agree upon a special case to be at once filed in the Record and Writ Clerks' Office, and in regular course submitted to the court for its decision. The result of the change would be the avoidance of the inquiry in the Masters' Office, with all its concomitant expense and delay. Take another familiar example of the manner in which the Bill would work. A gentleman sells an estate to another, and a question arises about the title. Under these circumstances the course to be taken at present was for one party to file a bill, to which the other put in an answer; the case is then heard by the court, and referred to the Master's Office; the Master investigates the title, and finally reports upon it. Here was a series of separate proceedings attended with heavy expense, which would at once be got rid of by enabling the parties to submit a special case to the court. This was a change which could not be effected by the authority of the Judges alone, because an Act of Parliament was necessary to indemnify executors and trustees; and, accordingly, the Bill enacted that any executor, administrator, trustee, or other person making any payment, or doing any act in conformity with the declaration contained in a decree made upon a special case, should be as fully protected and indemnified by such declaration as if the payment had been made or act done in pursuance of an express order of the court made in a suit between the same parties instituted by bill. Another branch of the Bill was framed with the view of relieving executors from a grievous evil to which they were exposed in the present state of the law. A man dies leaving a certain amount of property; the executor pays the deceased's debts, and then distributes amongst the legatees the money to which they are entitled under the will; but he is not protected against future claims. Cases were known in which, after the lapse of twenty, thirty, and forty years, individuals have come forward and instituted suits against executors for debts due from the testator when the executors had parted with every shilling of the assets. In one such instance an executor was proceeded against by a creditor to the estate after the lapse of twenty years, and the executor was made liable for 20,000*l*. Years after the death of a testator, a suit might be instituted by a party charging the deceased with having been guilty of a breach of trust, and claiming to have the amount due from him ascertained, and paid by the executor, although in the honest discharge of his duty he had already paid away all the sums which had come into his hands. In order to provide a remedy for this grievance, an executor must, under the present state of the law, procure some person to file a bill who was interested in the estate of the testator, upon which a decree would be made, referring it to the Master to take an account of the testator's property, and to call the creditors in; and when that was done, a decree would be made ordering the legacies to be paid, which decree would be a protection to the executor. It was by these means the Court of Chancery had endeavoured to apply a remedy to this evil;

but the remedy was complicated, and by no means economical. In order to provide a better remedy, the Bill, after providing for the appropriation by the court of a sum of money to meet contingent liabilities, enacted by the 25th clause—

> "That in case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability, other than as aforesaid, shall have been allowed as aforesaid, then after the same shall have been paid, or provided for by appropriation as aforesaid, all payments made by the executors, or administrators, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them, or any of them, on account of such estate, shall, as against all persons having, or claiming to have, any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the said court; provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased, against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said court in a suit to which he was not a party, would not have been binding upon him."

The Bill touched upon other points of practice, which it would be difficult to render intelligible to the House, and therefore he would content himself with stating generally, that it gave power to the court to hear applications which by the 3rd and 4th of William IV., c. 94, were directed to be heard only by a Master—that it provided for exceptions for scandal, impertinence, and insufficiency, being heard by the court, instead of being referred to the Master—and that it empowered the court to receive proof by affidavit in certain cases, and to make general rules and orders, which were to be laid before Parliament, and to be binding from the making, unless objected to by the vote of either House. He had not presumed to bring forward this measure without communicating with the Judges who administered that branch of the law to which it referred; on the contrary, he had felt it to be his duty to lay a copy of the Bill before each of those learned persons, and he had no reason to think that any one of them dissented from its provisions. From Vice-Chancellor Bruce, with whose learning and talents the House was well acquainted, and who administered a large portion of equity business with distinguished ability, he had received the most unqualified approbation of the measure. The measure had also met with the full approval of the Master of the Rolls, than whom no Judge was more active in the discharge of his duties, or more anxious for the adoption of safe reforms; and the Lord Chancellor, after having gone through the Bill with the utmost attention and care, had approved of it. He (Mr. Turner) felt honoured in being permitted to inform the House that the principal clauses of the Bill had obtained his Lordship's full concurrence. He could not mention the name of that noble and learned Lord without assuring the House of his firm belief that a strong disposition existed on the part of the noble and learned Lord to set matters right so far as depended on his efforts. If the noble and learned Lord needed any testimony whatever to the manner in which he had performed the duties intrusted to his charge, the House might allow its attention to be directed to what were the duties which devolved on the Lord Chancellor, what was the enormous burden of his administrative functions, and what was the enormous amount of labour involved in the due discharge of those functions; although saddled with these burdens, the noble and learned Lord had most carefully performed his judicial duties; and nobody could venture to deny that seldom had the high office of Lord Chancellor been conferred on a person more fitted to adorn that station than on the noble and learned Lord, who for a series of years, down to the present moment, had filled that office with most admirable zeal, diligence, assiduity, and learning.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The SOLICITOR GENERAL said, that he did not intend to offer any opposition to the second reading of the Bill. It was almost unnecessary for him to assure his hon. and learned Friend that he concurred entirely in the objects which were sought to be attained by this Bill, having made some slight endeavour himself to carry into effect a measure in a similar direction which had already received the sanction of the House, and gone to the other House of Parliament. In that measure he proposed a mode of taking the opinion of the Court of Chancery upon a special case without rendering it necessary to file a Bill; and he begged to call the attention of his hon. and learned Friend to some points which he thought of importance, and which led him to suggest a doubt whether his hon. and learned Friend, influenced by considerations of caution, had carried the provisions of the Bill quite as far as they might be usefully carried. He should endeavour shortly to explain what he meant. The provisions introduced with reference to the opening of a special case were made, in point of fact, principally to bear on the construction and meaning of certain words to be found in some deed or other instrument. It was a matter of fact that many persons were interested in the construction of such deed or instrument who could not by possibility exercise a judgment with respect to the course to be pursued in obtaining enforcement of their own rights. In a question involving the construction of a will relating to real estate given to a father during his life, and afterwards to his children, whether it conferred the estate as only in tail, or only for life, with an interest at once vested in his children, it was manifest that his child had an interest. If that infant were a few months old, it would be entitled under the Bill to appear and have the cause discussed before the Court of Chancery. In that case, it was manifest that proceedings would be taken for the purpose of seeing the interests of the child duly represented, and counsel heard, with the view of suggesting the various arguments by which the rights of the infant might be supported. But if the case should be that the man to whom the will related had no child born at all; in that case this Bill would not allow the construction of the will to be ascertained and determined, because there was no person then in existence whose interests would be involved to the extent of that infant. He felt that this was a difficulty of considerable magnitude. In the Bill which he had the honour of presenting to the House, it did appear to him that the interests of unborn persons in such a case as he had indicated deserved regard. His hon. and learned Friend proposed in his Bill that the remainder should be confined to those children who were alive as the successors of the party to the life estate. Suppose there was a child two months or even a week old, that child would have a right to have his case argued before the Court of Chancery; and no doubt proper care should be taken that the interests of all the children should be protected. But the case might be that the man who succeeded to the property had only been lately married, and had no children born, but there was every reasonable prospect that he would have some. His hon. and learned Friend, however, would not allow of such an interpretation of the will as would contemplate anything of this kind, for he proposed that no question should arise as to the children having an interest under the will who were not in existence at the time of the succession. It must be obvious to the House that children who were born so soon before the period he alluded to, could not have a much greater right in looking after their interests than the children who were born in the next or the immediately succeeeding years. He thought it would be better to leave it to the Court of Chancery to determine all questions of the kind, whether there were children a few months old, or whether there were no children at all. He thought this was a matter of importance; for if they did not allow any questions of interest on the part of those not in existence at the time of the succession to be brought before the court, trustees would often not be able to act in accordance with the provisions of the will. It was a matter of importance that a man should know whether he had, under certain circumstances, an estate in tail or only an estate for life. If an interest were contemplated in persons who were not in existence, the question could not be decided; and, although it might be the opinion of all the most eminent men in the profession that he had an estate in tail, and by a simple easy process might make himself owner of the whole property, he was fettered and tied down to an estate for life from the impossibility of meeting the conditions which were necessary to enable him to bring the case under the consideration of the Court of Chancery. He had mentioned another case with reference to the measure he had proposed, namely, to what extent it ought to be made to apply to persons having an interest in reversions. In the Bill he had introduced, and now before the other House, a discretion was given to the court upon hearing a case to determine to what extent it might find the interests of persons not in existence determinable; and he earnestly entreated his hon. and learned Friend to consider whether he might not with propriety extend the advantage of his measure, by making it apply to cases in which the interests of persons not in existence, of persons having a reversionary interest, might be brought before the Court of Chancery on questions being raised upon the construction of a deed. Whether the person was really in life or not did not in a matter of this sort seriously affect the question, and the argument of counsel for that particular interest must be as effectual and valid as the argument of counsel with reference to the interest of a child two or three years old. To that principle, therefore, he earnestly invited the attention of his hon. and learned Friend when the Bill should come to be considered in Committee. Assenting to what was proposed with respect to the mode of obtaining the decision of the court, he also fully approved of that part of the Bill which afforded protection to executors. It would be impossible to give them indemnity without incurring the preliminary expense of long, voluminous proceedings, to get the accounts passed. There was one point to which he wished to call attention, with reference to the careful and accurate detail by which the hon. and learned Member had endeavoured to work out the machinery of the Bill. He was somewhat apprehensive lest the powers given in his noble and learned Friend's Bill to make orders and regulations were not sufficiently strong to enable them to carry out the objects intended to be carried out. The proper distinction was, that those matters which were matters of principle should be specified clearly by Act of Parliament; but the mode of carrying them into effect, which related to the technical practice of the court, it was advisable to leave to the discretion of the court, which, with the assistance of its officers, might frame the necessary rules. If that course were followed, impediments would be avoided which had occurred in various cases, but could not have been foreseen, from introducing provisions affecting technical practice. The hon. and learned Gentleman had seen the necessity of giving the Court of Chancery power to make rules and orders under the Bill. These were to have the effect of an Act of Parliament. Although the machinery was admirably well adapted for the purposes of the Bill, sufficient power did not seem given to the court to alter the rules and orders. With respect to exceptions for scandal, &c., the decisions by a Master in Chancery were insufficient; his own private opinion concurred with that of his hon. and learned Friend; and he thought the proposed change beneficial. The tendency of late years was to make the Masters' Office more effective. A return which had been made on the Motion of the hon. and learned Member for the city of Oxford showed the vast extent of the incumbrances there, and the necessity that some steps should be taken, either by Parliament or otherwise, for expediting business. All persons admitted a remedy must be applied. In conclusion, he should only make one observation with reference to the diffidence the hon. and learned Gentleman felt in undertaking such a measure as the present, while so many eminent Members of Parliament connected with the profession had projected in vain considerable reforms in the Court of Chancery. The hon. and learned Member would permit him to observe, that if any of those eminent individuals had attempted to effect the object when they sat in that House, it would have been simply useless. It was impossible for them to carry reforms which were now so easy of accomplishment if the manner of carrying them practically into effect could be pointed out to the House. It was gratifying that the hon. and learned Gentleman, having prepared this measure with care, and proposed in it fairness and sincerity, should have been led to turn his attention to the subject; and with respect to any reform he (the Solicitor General) had attempted in the same direction, he had to thank the hon. and learned Member for the assistance he had rendered.

Mr. W. P. WOOD agreed with his hon. and learned Friend the Solicitor General in thinking that it was owing to public attention having recently been so much directed to the abuses in the Court of Chancery that they now had obtained the means of carrying out reforms in that court. He wished, however, to direct the attention of hon. Members to a return just laid on the table, which he feared had not received that attention which it deserved. From this document it appeared that there were 1,947 cases in the Masters' Offices. When these cases were brought forward, it was necessary to obtain a warrant for hearing, which warrant only lasted for an hour, unless under very extraordinary circumstances, when it extended to two hours. When a counsel in a case had obtained a warrant, he was expected to open his case in a portion of this time. A second warrant for rehearing could not be obtained for the space of six weeks, and then he had to remind the Masters of what he had said before, and then to get through his case. Another six weeks must then elapse before the barrister on the other side could be heard. He would refer the House to the return on the table, as to the number of warrants which were taken out in each case. There was one case alluded to in this return which came before the court in 1825, in which not less than 888 warrants had been taken out. In another case—the Attorney General *v.* Tufnell, who he hoped was not his hon. Friend the Member for Devonport, which came before the court in 1833—164 warrants had been taken out. In another case the number was 273, in another 241, and in a third 221 warrants. If they took the average, it would be found that more than fifty warrants were taken out in each case; and when it was recollected that each warrant took six weeks to hear, the House would be enabled to form some estimate of the cause of delay. The House would see that this great advantage would be gained by the Bill of his hon. and learned Friend the Member for Coventry, that they need not go into the Master's Office at all, and they would get rid of those preliminary inquiries as to who were the parties interested in a case which every one knew before the suit was commenced. In conclusion, he had only to offer the tribute of his gratitude not only to the Lord Chancellor, for the excellent orders which he had lately issued, but also to his hon. and learned Friend for the steps which he proposed to take for the reform of the court.

Mr. C. ANSTEY wished to state that at that moment there were cases before the present Lord Chancellor which since 1847 had been declared ready for judgment, but upon which no further steps had been taken. He was sorry to hear that it was intended by the Lord Chancellor to give judgment on those cases without hearing any further argument, although such a period had elapsed since the cases were before him. He confessed that he thought the reforms should have commenced in the Court of Chancery itself, and not in the inferior courts. In 1848 he knew of a case of appeal which was brought before the Lord Chancellor, in which four aged persons were interested, against the Crown. It was strongly urged that judgment should be given with as little delay as possible after the case had been urged, as the parties might not survive. Nothing, however, was done. But these aged parties were now dead, and a new suit had to be instituted by their representatives. He trusted, whoever might be the successor to the present Lord Chancellor, that he would have more regard to the arrear of causes in the court by a vigorous change in the system.

Bill read 2°, and committed for Monday next.

BURGESS LISTS BILL.

Order for Second Reading read,

Mr. TWISDEN HODGES, in moving the Second Reading of this Bill, said its object was to remedy the existing law, which was liable to abuse. At present, the mayor of a borough, assisted by two assessors, was required annually to revise the burgess list. It happened occasionally, that the mayor was a candidate for the suffrages of these very boroughs, and that circumstance might influence his decision in cases which came before him. He could show the necessity of such a Bill as the present by what had taken place in one borough, and he had no doubt similar proceedings might be adopted with impunity in other places. In the borough to which he alluded, the mayor, two or three years ago, was a candidate for election, and he, in point of fact, had to revise the lists for his own election. That person first of all canvassed the borough, he then proceeded to revise the burgess list, and afterwards he returned to his canvass, and congratuted his friends on the course he had taken. [An Hon. Member asked what borough was alluded to.] He alluded to Rochester, where, in consequence of a number of objections having been raised which were afterwards withdrawn, the proceedings were delayed to such a late period that the lists could not be gone through, so that they had to fall back on those of the preceding year. This he conceived was a grievance to which a remedy should be applied.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Colonel SIBTHORP moved, as an Amendment, "That the Bill be read a Second Time that day Six Months." It was intended to affect the whole of the boroughs of England and Wales; and yet he had not heard that there had been one petition in favour of it, whilst the petitions against it had been numerous. He objected to the measure as calculated to entail considerable expense upon the boroughs throughout the country, already sufficiently taxed, and as interfering with a system which had worked satisfactorily, and without a single complaint, as far as he was aware, for a period of seventeen years. In the Rochester case, to which the hon. Gentleman had referred, an action had been brought against the mayor, when a verdict was given for the defendant upon the merits.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. Alderman SIDNEY seconded the Amendment. He objected to the Bill on the same grounds as those mentioned by the hon. and gallant Colonel; and added, that he was acquainted with many towns where party spirit ran high, but he had never heard of partiality being charged against the presiding officer.

Mr. BERNAL, in supporting the Bill, admitted that it owed its inception to what had occurred at Rochester. At the same time, he believed that that was not an isolated case; and every one must admit that it was a sound, useful, and constitutional principle that no man should preside as judge in his own cause. With regard to the apprehended increase of expense, he thought that the cost of municipal registration, as at present conducted, was as great as it would be under the proposed Bill. He suggested, however, that the measure should not be imperative in its enactments, but permissive, taking effect only upon a memorial from a certain number of the ratepaying inhabitants of a borough. A clause of that nature might be added in Committee.

Viscount GALWAY opposed the Bill on the grounds already stated. In the borough of East Retford the lists were made up by the overseers; and during the last seven years not a single objection had been taken to the burgess list. His constituents objected to the expense of a revising barrister's court.

Mr. S. ADAIR opposed the Bill. Whatever alterations might be necessary in Rochester, there was surely no necessity for passing a practical vote of censure upon every municipal authority throughout the country.

Sir G. GREY said, a deputation had waited on him some time ago from Rochester, complaining of the conduct of the mayor; and his answer to them at that time was, that the law provided a remedy against a mayor who neglected his duty, and that, until they had tried that, they had no right to ask the interference of Parliament. An action had since been brought against the mayor, for whom, however, a verdict had been passed. Without reference to that particular case, he would admit that there might be some difficulty in proving a motive, which he apprehended would be necessary to establish a case against a mayor; but, at the same time, in the absence of any complaints, he thought he was not justified in inferring that the system, as at present established by law, had not worked well. He should, therefore, oppose the Bill. He might just add, that as the law at present stood, the two assessors might overrule the mayor. Those assessors were elected by the burgesses at large; who had therefore the remedy in their own hands, by electing two honest assessors. Under these circumstances, he could see no necessity for the Bill.

Mr. SMYTH stated, that in York the expense of revising the municipal lists at present was only the amount of the handbill announcing the revision, no allowance being made to the overseers at all. Feeling that the Bill would entail a needless expense upon corporate towns, he cordially supported the Amendment.

Mr. HUDSON had himself revised these lists upon three occasions, and could bear testimony that under the present system there was no expense whatever. He had presented a petition from Sunderland against the proposed Bill; and he trusted that it would be rejected by the House.

Mr. TWISDEN HODGES said, that seeing the strong feeling of the House against the Bill, he would not press it.

Question, "That the word 'now' stand part of the Question," put, and negatived.

Words added. Main Question, as amended, put, and agreed to.

Bill put off for six months.

SMALL TENEMENTS RATING BILL.

Order for Third Reading read.

Mr. HALSEY moved the Third Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. P. SCROPE, pursuant to notice, moved that it be read a third time that day six months. He did so, because he conceived the Bill to be unjust in principle, and that its operation would be injurious to the interests of the poor. The object of the measure was, to render the poorer class of houses, which were at present exempted from the poor-rates and highway-rates, in consequence of the poverty of the occupiers, liable to these taxes, by transferring them to the owners. He had reason to believe that the number of small tenements at present excused from paying these rates throughout England, amounted to no fewer than 2,000,000. He appealed to the legal Members of the House, whether, from the passing of the Poor Law of Elizabeth until now, the poor-rate had not been considered a personal, and not a property tax? The effect of this Bill, then, would be to make the tax, for the first time, a direct tax upon property; and that, too, with respect to the poorer class of tenements alone—thus instituting a most invidious, as well as an unjust distinction. He admitted that there were inconsistencies and abuses in the working of the present system, which ought to be remedied; and he had formerly suggested a mode by which, in his opinion, the humane principle of the present measure would be carried out, namely, by fixing a line below which all small houses should be exempted; but he could not think that the operation of this Bill would be at all an improvement on the existing system. As far as he could calculate, the present exemptions amounted to upwards of 500,000*l.* a year. And upon whom were they going to impose burdens? Upon the poor of the country; for although it was proposed to levy the rates upon the owners instead of the occupiers, it was the occupiers upon whom it would ultimately fall. It was with houses as with carriages, coffee, and sugar; the tax, although imposed upon the producer in all cases, ultimately fell upon the consumer. He was surprised at the conduct of the Government in supporting this Bill. He observed with pleasure that the Prime Minister presided the other day at a meeting of the Society for Improving the Dwellings of the Poor; but he and his Colleagues, by supporting this Bill, would do more to deteriorate the dwellings of the poor, as well as to diminish their supply, than all that that society could do to improve them. He begged to say, too, that the Government ought to have introduced the Bill themselves if they felt that a measure of this kind was required. But he thought it would have been still better if they had induced the hon. Member to postpone the Bill until they had considered it in connexion with the whole law of settlement, of which this subject formed a branch.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. HUME opposed the Bill on the ground that it introduced an entirely new principle. If they adopted this measure, the House would, in consistency, be bound to apply the same principle to every house and every estate in the country.

Mr. BROTHERTON would tell the hon. Member for Stroud why the Bill did not apply to other property. Formerly the rents of small tenements were collected quarterly, and consequently the tax-gatherer had some chance of getting payment of the taxes from the occupiers. Now, the landlords anticipated tax-gatherers by collecting the rents weekly, and the result was that it was found impossible to collect the rates.

Mr. ROBERT PALMER opposed the Bill on the ground that it would be no relief at all to the occupiers, who would be made to repay the owners in the shape of increased rent.

Mr. BAINES said, that the Bill was so fully discussed on the second reading that he did not think it necessary to go at any length into the matter now. He begged, however, to state that it was altogether incorrect in the hon. Members for Montrose and Stroud to assert that the Bill introduced a new principle. So far from the principle being new, he believed that for a long series of years almost every local Act that had been passed to regulate taxation, had embodied it. The Act which was known as Sturges Bourne's Act contained the same principle as this Bill did; but, without any reason that he had been able to discover, stopped at the minimum limit of 6*l.* It gave power to the vestry to pass resolutions by a majority to rate the owners instead of the occupiers in cases where the rent did not exceed 20*l.*, nor was less than 6*l.* a year. The object of the present Bill was to extend Sturges Bourne's Act below that minimum limit. As he had already said, many local Acts had been passed within the last ten or twenty years to establish the same principle in different parts of the country; and he believed that many more would have been applied for had parties not been deterred by the great expense of local Acts. The object of this Bill was to give to vestries the general power of adopting the principle whenever they should think fit, without applying for a local Act in each case. He did not agree with the hon. Member for Stroud, that it would operate in any respect against the poor. If he had agreed with him, he would not have supported the Bill; for he was the last man, and ought to be the last man, to wish to do anything to injure the interests of the poor; but he believed that it would have a directly contrary effect. It was the experience of his predecessors, and it had been confirmed by his own, that the owners of small tenements, finding that the justices would probably excuse their tenants from paying rates, charged them so much more rent than they would otherwise have done; and thus it was the owner who alone benefited by the exemption, and not the occupier. This Bill would not at least render the condition of the occupier worse than it was, while the present ratepayers would no longer have cast upon them the burden which ought to fall upon the mass of property at present excused.

Mr. S. CRAWFORD said, that from his practical knowledge of the working of the principle in Ireland, he anticipated nothing but injury and oppression to the poor from its application to England.

Sir G. PECHELL gave his support to the Bill, on the understanding that the franchise was to be secured to the occupiers, a provision which he understood was to be proposed at the proper time.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 94; Noes 15: Majority 79.

Main Question put, and agreed to.

Bill read 3°.

On the Question that the Bill do pass,

Mr. COCKBURN moved the following clause:—

"And be it enacted, that where the owner of any tenement shall be rated to the relief of the poor by virtue of this Act, instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such tenement, such occupier shall be entitled to all privileges and franchises to which he would have been entitled if he himself had been rated and had paid such rate or rates; and if such owner so rated as aforesaid shall not have paid such rate or rates, it shall be lawful for such occupier to tender to the overseers of the poor or other person authorised by law to receive the same, the amount of any rate or rates then due from such owner in respect of such tenement; and such overseer or other person so authorised as aforesaid shall be bound to receive the same; and such occupier shall, on the payment or tender of such amount, be entitled to exercise all such privileges and franchises as hereinbefore mentioned. Provided always, that any occupier so paying any rate or rates in respect of any tenement where the owner is rated to the same, shall be entitled to deduct and retain the amount so paid by him from the next payment of rent to be made by him to such owner, or to recover the same from such owner as money paid to and for the use of such owner."

Clause brought up, and read 1°.

Motion made, and Question proposed, "That the said clause be now read a second time."

Sir G. GREY thought more time should be given to consider the wording of this clause.

Debate adjourned till Monday next.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 13, 1850.

Minutes.] Public Bills.—1ª Judges of Assize; Drainage and Improvement of Land Advances.
2ª Sheriff of Westmoreland Appointment.
3ª Court of Chancery (County Palatine of Lancaster).

UNIVERSITIES COMMISSION.

Lord MONTEAGLE moved—

"That an humble Address be presented to Her Majesty, for Copies of Letters addressed by the First Lord of the Treasury to the Universities of Oxford and of Cambridge on the Subject of the Issue of a Commission of Inquiry, and Copies of any Resolutions or Communications entered into or made on behalf of those Universities in relation to the same Subject."

He did not believe that any inconvenience could arise from the production of these papers; but in making his Motion, which he trusted would not be resisted, he felt bound at the same time to state the grounds on which he wished to bring these papers under their Lordships' consideration. He should be very sorry indeed if he should raise even an inference that he imagined Her Majesty's Government,in advising this Commission, were actuated by any adverse feeling against the Universities. On the contrary, he was willing to admit that in issuing this Commission they were only desirous to promote the interest of the venerable institutions into which it was proposed to inquire. But while he gave the Government credit thus far, he begged to express a doubt whether this measure, taken at this time, and under present circumstances, was really calculated to promote the object which they had at heart. This inquiry originated purely and exclusively with the Government itself, without any communication with any University authority, or with any one connected with the Universities. Indeed, from one of the documents now moved for—he meant a letter from the Illustrious Prince who was Chancellor of the University of Cambridge—it appeared that His Royal Highness was entirely unaware of the intention of issuing this Commission until the declaration was made in the other House of Parliament. He was not present when the noble and gallant Duke who sat near him made some observations upon it; but it appeared that the Chancellor of the University of Oxford also was equally unapprised of the intentions of Government. Indeed, he knew no one who, before Lord John Russell's declaration, entertained the slightest suspicion that such a course as that announced in the House of Commons was about to be taken. It might be assumed that such a course should be taken; but at the same time great difficulties were thrown in the way of success, by leaving those most interested in the subject entirely in the dark, until incidentally it was declared in Parliament not only that such a measure was contemplated, but that such a decision had been taken. The question of University reform, as affecting the admission of Dissenters, had been brought before Parliament, in 1834, by the late Earl Grey, then First Minister, one of the very highest authorities upon that and every other subject. He himself (Lord Monteagle) had also brought it, in the same year, before the Commons. But the question wore a very different aspect now from that which it then bore. The condition of the two Universities was totally different at present from what it then was. During the interval that had elapsed since then, there had arisen in both Universities an active and an efficient spirit of University reform. He should deceive their Lordships if he ventured to say that that spirit was represented by a numerical majority of the members of the senate in either University; but both at Oxford and at Cambridge those who had applied themselves to the important task of University reform carried with them so great a weight in point of character and University station, and literary distinction, that they had been able to obtain, through the force of opinion, more than he individually could have anticipated. In the University of Cambridge the measures of reform that had been in progress had been very considerable. He should only allude to a few; but it was but justice to that University to state that which it had already done, and that which was in progress; because he found, to his astonishment, that, on the part of many who had discussed this question, they seemed to have either shut their eyes, or not to have taken the trouble to inquire into what had been already done, or into what was now in progress. So desirous were they of having everything done by interference from without, that they undervalued or ignored that which had been effected by the Universities themselves. The complaints formerly urged had been, that in the University of Cambridge the course of study was too confined to mathematical pursuits; that they had set aside the more general objects which were brought under consideration by the lectures of the professors; and had confined themselves to the peculiar study for which the University of Cambridge granted its highest senate-house honours—mathematics. He admitted that for a considerable period of time, the highest honours of the University were to be gained almost exclusively by high mathematical attainments. But had they confined themselves to that? He thought that it was about the year 1822 that they introduced a corresponding system of honours as connected with classical eminence. That change was, to a certain extent, undervalued, or at least it was not viewed with a just degree of favour; but honours gained from classical attainments were now sought for with as much ambition as were in the old time honours connected with the mathematical science. Nor was it to be said that mere distinction was thus gained; an honourable position in the University could now be gained by the classical tripos; the system had now taken root, and was from day to day advancing. Many improvements had arisen since the date of the appointment of his late Royal Highness the Duke of Gloucester as Chancellor of the University. The first prize he established was one for English composition. But it was in 1848, the University of Cambridge opened an entirely new field of University distinction; by the establishment of two new tripos. History, political economy, moral philosophy, botany, all the various pursuits of science, were all now involved, and would henceforth become matter of University distinction. But it was said even by those who admitted these facts, that nothing was done to improve the colleges. Now, he prayed their Lordships' attention to what had been done in this respect. Take, for example, his own college, the Royal foundation of Trinity. The whole of the statutes of Trinity had been reformed; they had been consolidated; they had been amended, but without the exigency of any commission whatever. That revision was commenced by the college in 1837, and the new statutes were completed and confirmed by the Crown in 1844. They had been amended in the natural way at the recommendation of the Crown; and with the consent of the Crown the statutes were revised, and adapted to the present times. The rival college, St. John's, had done the same. New statutes had been framed, and confirmed by the Crown in 1849. But it was said there were local restrictions subsisting with respect to the election to fellowships, and that those injudicious restrictions, for so they were in many instances, had not been removed. He contended that where they had the power of removing those restrictions, in several cases they had done so. The whole of the statutes of Pembroke College had been revised, and confirmed by the Crown in 1844, and the restrictions of fellowships to counties removed, as had also the statutes of Jesus' College. The University, for the last seven years, had been intent on the revision of its own statutes; and that revision was very nearly brought to a close, and there was every reason to suppose that within the present year it would be complete; and this had been done without any external pressure. Even in relation to medical degrees, enlarged studies had been superadded to the former courses, examinations in medicine and botany, and a course of chemistry. He had only glanced at a few parts of the reform that had been effected, and all the professors themselves were anxious to render their courses as efficacious as possible. There had also been various prizes founded by the colleges themselves. It was far from his wish, in stating these facts, to claim any peculiar merit for the excellent and learned persons who had been engaged in this work; they required no eulogium from him; but what he wished to impress on the minds of their Lordships was, that these improvements had been undertaken voluntarily by authorities within the Universities, and that they were in progress at the time when the Commission was proposed to be issued. He thought this Commission had been undertaken without an adequate or just appreciation of that which was now in progress, or without any thought at all of the difficulties which stood in the way of these improvements being carried out; difficulties which such a Commission could hardly fail to increase. The parties engaged in effecting these improvements included the most able and intelligent men within the Universities; but, at the same time, it could not be denied but that they constituted a numerical minority, and therefore the effect of any interference would be materially to increase the difficulty, and add to the task which these reformers had undertaken. The Government were thus about to forfeit, or at least to risk, an advantage that was certain, for one that was more than doubtful. He was far from intending to say that the whole subject of University reform could be effected without the interposition of Parliament; but how different would such interference appear when forced on the Universities, compared with Parliamentary interference asked for by the Universities themselves, as the means of overcoming obstacles that they might hereafter find to stand in the way of their improvements. He therefore thought that an external and forcible interference with improvements now in progress—interference with those measures which were now nearly accomplished—was a very great mistake, and might inflict serious injury. He was sure that, in his own University (Cambridge), they had nothing in the world to conceal. In one respect, indeed, it would be productive of a great advantage; he meant in dispelling the absurd belief of the wealth of that University. So far from such being the fact, they had not money enough to build an enclosure for the botanical garden; and they had scarcely money enough to provide stationery to lay on the table of the senate-house. It was supposed that they were greatly indebted to the public purse, and that such assistance laid the grounds for an inquiry. The very contrary was the fact. They contributed to the public much more than they received. The Chancellor of the Exchequer, he believed, extracted from the University of Cambridge 3,000*l.* or 4,000*l.* a year in the shape of stamp duty on degrees, and only conferred about 800*l.* a year towards the payment of certain professors. He thought there had not been stated adequate, or indeed any, grounds to justify the issuing of a Commission at present. He did not call upon Government to reverse their determination, by deciding that on no occasion should a Royal Commission issue. But he entreated them to hesitate and consider whether this was the proper time, and to wait and see whether, when the necessity arose, an application for a Commission might not come from the Universities themselves. He gave the utmost credit to Government for their sincere desire to advance the cause of University improvement; but he was perfectly persuaded that the issuing of a Commission at the present moment, so far from aiding in this object, might, on the contrary, interfere with the improvements already in progress or in contemplation. He hoped there would be no objection to laying this correspondence on the table; and he should also wish that the form of the intended Commission, and the names of the Commissioners, should be laid on the table before a final step was taken. It was thus alone that any responsibility could be practically enforced. If the House were kept in the dark till these inquiries were commenced, it would be in vain to expect any effective interference on the part of this or of the other House of Parliament.

The EARL of CARLISLE said, that on the part of the Government there was no objection to the production of the papers moved for; but begged to assure the noble Lord and the House that both Lord John Russell and the other Members of the Government, in any steps they contemplated on this subject, were actuated by most respectful and even reverential feelings towards those eminent institutions. For his own part he must say, that he would have to sacrifice altogether his private feelings on the question before he could be party to any commission not influenced by such considerations. He could assure his noble Friend that the Members of Her Majesty's Government were not in the least more disposed than himself to ignore or undervalue (to use the very terms of his noble Friend) the many useful improvements and steps in the direction of progress which had been adopted, and which were in the course of adoption in both Universities. And, indeed, it was hoped that the intended commission might not be without its use, not only in recognising and calling public attention to them, but in co-operating with and encouraging the Universities in their praiseworthy endeavours. It was notorious—his noble Friend had admitted it—that many of those improvements were not effected without considerable resistance. He (the Earl of Carlisle) entertained the hope that the proposed inquiry would give strength and encouragement to the friends of rational improvement in those learned institutions. The proposed commission had no doubt been subjected to a great deal of censure. Apprehensions had been expressed that any proceedings on the part of Her Majesty's Government on this question might have a dangerous effect; but he must say that he should draw quite a contrary inference. The more ignorance and misconception prevailed on any subject, the more useful it appeared to him to let in upon it the full light of day, and to let it be shown in what respects the institution which was the subject of attack was unjustly impeached, and in what respects it called for and admitted well-considered improvements. It must, he thought, be obvious that the charters, and instruments, and statutes which were framed in the days of the Plantagenets and the Tudors, although modified in the days of Archbishop Laud, must be found not to meet in all respects the requirements of the present day. The alteration or diversion of these statutes and charters from their original intentions was in some respects absolutely necessary, in consequence of the change of manners, pursuits, and even of the religion of the country. He admitted, however, that such alteration or diversion must always be a matter of extreme deliberation and caution. At the same time their Lordships must remember that nothing of that kind would take place without the intervention of the Legislature; and it seemed to him that one of the most useful points to which the labours of the commission could be directed would be to consider, in conjunction with the resident members of the University, who, from their habitual experience, must be most thoroughly acquainted with the subject, what was most required, and in what respects application might be made to the Legislature for further alterations and modifications of the existing laws. It might be said—and it had been said, he knew—that any suggestions for such modifications or alterations might be confided entirely to those learned bodies themselves; that the public might safely leave it to them to suggest what was necessary to be revised or introduced. But it was certainly obvious that those who had desired the issue of the contemplated commission, would not be satisfied to leave the question in their hands. Whatever might be thought of the proceedings of the Government on this question, he most unequivocally disclaimed on their part any feeling of hostility or disrespect towards the Universities. If any want of due regard had been shown either to the resident members or to the illustrious persons who were the guardians of the Universities, he was sure that no one could more deeply regret it than his noble Friend at the head of the Government. The two individuals who filled the post of Chancellor of either University held that rank in the estimation of all men which would make it impossible that any wilful disrespect should be intended. Their Lordships would remember that under the Government of Sir Robert Peel a commission was issued to inquire into the resources of cathedral and other ecclesiastical establishments; and he would undertake to assert that the very names of the most reverend persons who served upon that commission afforded of themselves a proof and guarantee that no disrespect was intended towards the bodies who were the subject of that inquiry. And so with respect to the present commission: whoever might be the persons who should be appointed to serve upon it, he felt sure, and he could take upon himself to state to their Lordships, that the Government would take care that they should be men who, besides their general character, would be actuated by the most tender attachment and respect towards the Universities, and who would be fitted, by their more extended relations with the world out of doors, to cooperate beneficially with the most enlightened friends of education within the Universities.

The EARL of POWIS looked upon the proposed Commission as an indication of the Government's intention, not merely to improve the course of studies in the Universities, but, in compliance with the cry which had been so often raised in the other House of Parliament, to admit those to their privileges whom the present constitution and statutes excluded. "University Reform" had come to be synonymous with the "admission of Dissenters into the Universities." Considering the manner in which the Government had consented to the issue of a commission, he thought it was not at all extraordinary that the commission should be looked upon with considerable jealousy by both Universities. If the commission had been announced by the First Minister of the Crown as a substantive measure, it might then have come to the Universities with professions of amity; but such professions now came too late. If the commissioners should deal with the Universities in the manner anticipated by those who were favourable to the commission, they would be guilty of a direct infraction of the laws of property; they would destroy property granted to the Universities, not by the public, but by the piety and munificence of individuals in past ages, who had sacrificed their fortunes that they might be enabled to found scholarships and professorships for the encouragement of learning for all future ages. The First Minister in the Commission had pointed to the destruction of all fellowships and scholarships appropriated by their founders to certain districts or schools. Was this to encourage persons hereafter to leave property to the Universities? The Universities were exempted from the statutes of mortmain, to encourage those grants and bequests which this interference with property would stop. The noble Earl who had just pronounced a declaration of goodwill to the Universities on the part of the Government, had alluded as a precedent to the Ecclesiastical Commission issued by Sir Robert Peel. He thought the noble Earl could not have chosen a precedent more calculated to strike terror and to create hostility in the breasts of the friends of the Universities. What was the result of that commission? It destroyed two bishoprics of the country, as far as episcopal property was concerned; and a Bill was now in the other House of Parliament, the object of which was to divert episcopal revenues to parochial purposes. It did not attempt to reform or make more efficient the cathedrals. It simply proceeded to seize upon their revenues, in order to augment small livings, while it did not do anything to remove those legal obstructions and absurd provisions of the Act of Geo. II. which prevent donations of land and bequests to those livings. The members of the Universities would be justified in being extremely cautious as to the evidence which they should give under the intended commission, which it was believed was not sanctioned by the constitution of the country. The statement of the noble Earl would have the effect of warning both Universities that their property was not likely to be dealt with in a more tender manner than were the episcopal and cathedral properties by the Ecclesiastical Commission issued during the Government of Sir Robert Peel.

LORD BROUGHAM perfectly agreed

with his noble Friend who spoke last but one, that nothing could be more untrue than the supposition that the issuing of this commission arose from any want of respect, or from any unkindly feeling towards the Universities. Nevertheless, he, for one, must say that he thought the issuing of that commission was a very great error — a very grievous mistake. Having already, in the letter which he had addressed to his noble and gallant Friend who sat near him (the Duke of Wellington), and which, no doubt, most of their Lordships had read—having stated in that letter his arguments against the issuing of the commission, he would not now trouble their Lordships with a repetition of them. That letter he felt bound to write in consequence of his own position at the head of one of the colleges of this country, namely, the University College of London, which possessed very considerable endowments. In writing it, he acted entirely on his own responsibility; he wrote it without having had any communication with the other authorities in that college; he had purposely avoided making them responsible. He was also prompted to write that letter in consequence of the part which he took in inquiries of this description in 1833, and, indeed, ever since 1816. Their Lordships would recollect that from the commission of inquiry into the public schools, and other educational establishments of the country, the Universities were carefully exempted. The Government with which he was connected excepted the Universities expressly for the reason given by his noble Friend opposite, namely, that they knew improvements were going on in those institutions, and they felt that it would be unwise to interrupt them. Still, such an inquiry would have been far more appropriate than that which would take place under the proposed commission; because the inquiry in the time of Lord Melbourne, and to which he (Lord Brougham) was a party, was a compulsory proceeding. It was said by the noble Earl that this was to be a voluntary proceeding. So much the worse, because they would have one-sided information—they would have those persons who were discontented with all that was done, and everything that was not done, coming forward to give their information. It might be very correct information; but what would become of those parties who were to be assailed by such informants? They would have no means of defence; they would not have the power of sommoning one single person to give testimony in their defence before the Commissioners. It was exactly as if himself or the noble Lord opposite were indicted for any offence, and the Crown had the power of summoning witnesses to prove the case against them, whilst they had no power of summoning evidence to prove an *alibi*, or to prove that other persons had committed the offence alleged against them. That was precisely the position in which the members of the Universities would be placed by this voluntary commission of inquiry. He recollected that, when the heads of different colleges and schools were examined before the Education Committee, he compelled those worthy persons to produce all the information in their power with respect to the colleges to which they belonged, and thus he compelled them to break their oaths, as they fancied. And why? Because it was found that they had misconstrued their oaths, they having overlooked the exception in them, *nisi aliquâ necessitate cogente vel utilitate suadente.* But there were some oaths in which there was no such exception, and he did not like to interfere in such matters, even where he had full power as Chairman of the House of Commons Committee. He must say he was a little astonished to read a letter of the Illustrious Chancellor of the University of Cambridge on this subject, to which his noble Friend opposite had referred. He (Lord Brougham) deeply regretted that that Illustrious Prince had been placed in the false position of Chancellor of a University of this country, and for this short reason—that the Chancellor of a University ought to be a person wholly unconnected with the Crown—wholly independent of the Crown—because it might be his bounden duty, as Chancellor, to be in conflict with the Crown. His noble and illustrious Friend near him (the Duke of Wellington) was unconnected with the Crown, and might well perform the duties of Chancellor of the University of Oxford, as he did well perform them. He was not in the false position in which Prince Albert was with respect to the Crown and the Chancellorship of the University of Cambridge. Now, the very first result of that false position was, that the Illustrious Prince had written a letter on this subject, approving of the commission in strong terms, and that letter had made him unpopular in the University. He (Lord

Brougham) would, if he had the honour of an interview with that Illustrious Prince, remind him that he had mistaken the law of this country a little when he said that a Royal Commission spoke the sense of Parliament. A very natural mistake was that for those who had lived in countries where the Legislature and the Prince were one and the same person. In that case, a Royal Commission did speak the sense of the Legislature. In Germany, no doubt, it did; but in this country it did not. The sense of Parliament was spoken by an Act of Parliament, and not at all by a Royal Commission. A Royal Commission in this country spoke the sense of the Crown, that was to say, of the Minister of the Crown, but it in no way spoke the sense of Parliament. It appeared that this commission did not arise from any want of respect or kindly feelings towards the Universities on the part of the Government, but from a desire on their part to satisfy the prejudices of certain parties. But could that be said to be a sufficient reason for the issue of this commission, and particularly when, as he knew of his own knowledge, the Universities were making rapid, wise, and most useful improvements? The question was, whether it was right or wrong that "certain people's prejudices" should be satisfied by the issue of this commission? Were they to deal with this question, as they were dealing with the Post Office, to satisfy the prejudices of certain individuals? There was a pressure, it was said, from without on this subject. The question was whether that pressure ought to be yielded to or resisted. He deemed it ought to be resisted.

The Earl of CARLISLE would be sorry that an inference should be drawn from any words of his which he had not intended to convey. When he referred to the commission relating to chapters, it was not his intention to indicate that the same results were likely to follow from this commission as followed from that. Their revenues were then transferred, be it right or wrong, to other persons and purposes. There were no others now to whom it was proposed to transfer the property of the Universities.

Lord BROUGHAM was not sure of that.

The Earl of CARLISLE disclaimed any such intention. He only referred to the former commission for the purpose of showing that this proceeding was dictated by no want of respect.

The Duke of WELLINGTON was happy to hear the explanation of the noble Earl. He must confess he was perfectly satisfied with what was stated in the first instance, on the understanding that the intention was to make choice of the persons who should compose this proposed commission on the principle on which the persons were selected who composed the Ecclesiastical Commission.

Lord BROUGHAM observed, that if a commission was appointed, though it should consist of angels, this must inevitably follow—they must open their doors, and their ears, and their books of notes to receive the information and all the accusations that any discontented persons chose to lay before them; nor could they suppress this. It must be reported and printed, and laid before Parliament.

The Duke of WELLINGTON entirely agreed with his noble and learned Friend (Lord Brougham) upon the abstract question of the appointment of a commission to inquire into the Universities at all. He (the Duke of Wellington) had stated his opinion upon that question, and he did not think it necessary to state it again. That upon which he intended to express his satisfaction was the explanation of the noble Earl respecting the choice of the members of the commission. The noble Lord at the head of the Government, who had declared his intention of advising the appointment of this commission, had stated in his letter addressed to the Illustrious Prince and to himself respectively, as the Chancellors of the Universities, the object to which the inquiries should be directed. He (the Duke of Wellington) certainly did not desire that those inquiries should be made; he did not think those inquiries were necessary. But, if they were to have a commission, he did desire that it should be composed in the manner referred to by the noble Earl.

On Question, agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 13, 1850.

Minutes.] Public Bills.—1ª Cruelty to Animals (Scotland); Sunday Trading Prevention; Railway Audit.

Reported.—County Court Extension; Marriages; General Board of Health.

[Mr. Speaker took the Chair at Four of the clock in the New House of Commons.]

SEWERAGE OF WESTMINSTER.

Mr. T. GREENE put the following question, of which he had given notice, to Viscount Ebrington :—"Whether there is any intention of erecting a steam engine at the corner of Palace-yard, for the purpose of forcing the contents of the sewer to a higher level. If there be such intention, whether it is proposed that such steam engine shall permanently remain, or is it only to be placed there for a temporary purpose: if for a temporary purpose, how long may it be probably required to remain there? Also, how far it was likely that an injurious effect would be produced by stirring up the sewerage at this time of the year."

Viscount EBRINGTON said, that if his Colleagues in Parliament and himself had allowed to pass without notice the numerous mis-statements and charges which had been made against the Commissioners of Sewers, it was not because they acquiesced in the justice of those charges, or were unprepared with an answer to them at the proper time, but because they did not wish to interrupt the regular business of the House by raising incidental debates. In answer to the first question, he had to say that it certainly was the intention of the Commissioners to place a steam engine in Palace-yard. The drainage of that district of Westminster, in which the Commissioners were proceeding to make great improvements, had been for some time under consideration. The district was a very low one; most injurious consequences had resulted from the want of drainage there; and several unforeseen circumstances, amongst others the unexpected illness of their chief engineer shortly after he was appointed, had delayed the proceeding with those works until a period which the Commissioners regretted. The object with which the steam engine was placed in Palace-yard was for the purpose of raising the water up to the level of the existing sewer in York-street. It was obvious that in driving a much deeper sewer to enable the men to work, all the sewerage must be diverted into a neighbouring sewer; and this sewer being on a higher level, the steam engine was necessary to lift it. The engine would remain until the sewer was finished, which would be about four months from the present time; then it would be removed and the ground made up. The stirring up of the sewerage, he feared, was unavoidably incident to the execution of any new work; but in order that the residents in the neighbourhood might suffer as little annoyance as possible from the smoke, directions had been given for the use of Welsh coal and anthracite, which produced very little smoke.

Mr. T. GREENE wished to know why the work was proceeded with at this particular period of the year?

Viscount EBRINGTON said, the greatest complaints had been made by the Commissioners for the Improvement of Westminster, who represented that all their operations must be suspended unless this sewer was made. The Commissioners of Sewers were aware that it was undesirable to execute such works during the hot season; but if this sewer was not proceeded with, the drainage of the district would be indefinitely retarded. The present sewer was part of a general plan for draining the metropolitan districts on the north side of the river.

Mr. HENLEY feared the health of those who resided near must suffer from this pumping up of the sewage water. Not long ago that neighbourhood had suffered very severely from a similar cause, and those living near the spot were now under considerable apprehension of the outbreak of some fearful malady.

Viscount EBRINGTON was not aware that any further precautions could be taken. It was obvious that if, during the summer months, works were to be stopped entirely, the execution of improvements in the metropolis must be indefinitely postponed. The execution of these works almost unavoidably occasioned temporary inconvenience; and the question was, whether it was better to incur the permanent evil of delay, from arresting the works, or the transitory evil occasioned by their execution.

Sir B. HALL said, he should be glad to know why, as this Commission had been in operation several months, they could not have chosen some other time than the hot season for raking up all this offensive matter. This was no time for opening sewers and erecting steam engines. He also wished to know whether the matter had been brought under the consideration of the Board of Health; also, why it was necessary that this sewer should now be made—was that end of the town so low that it was impossible to find an outlet for the drainage? The preceding day, in coming to the door of that House, he had been assailed by an almost intolerable smell. The drainage of the Houses of Parliament was most imperfect.

Viscount EBRINGTON said, the subject had been under consideration for a length of time; but when hon. Members found fault with the slow working of the Commissioners of Sewers, they should remember that that body had worked from the beginning under an extremely complicated system of law, which obliged six members of the board to be present to hear even the most trivial complaints of ratepayers—that the attendance of the Commissioners was frequent—that it was also gratuitous—and that the greater part of them, having many other duties to perform, could only give a portion of their time to the business of the Commission. The subject of this sewer had been entertained for some time. It was only recently that the plans and estimates for the works now in progress in Palace-yard were in a sufficiently advanced state to allow of a commencement being made. With respect to the drainage of the New Houses of Parliament, he certainly did not consider it to be in a satisfactory state. He did not consider the sewers to be properly constructed; but that was a matter for the consideration of the Commission who were charged with the superintendence of the New House. The sewers were a great deal too large, and if they acted as such sewers usually did, as elongated cesspools, as long as there was ordure at the other end they would give out offensive smells. But the Sewers Commission were not to blame for a matter which was not under their superintendence.

Sir B. HALL said, the particular question he wished to put with reference to the Houses of Parliament was this:—Had the sewer which had been constructed under the superintendence of the clerk of works been placed in such a low level that it would not work; and was it necessary for the sewage to be pumped up?

Viscount EBRINGTON said, that he should not like to trust himself, without previous notice, to answer a question as to figures and levels.

Lord ASHLEY said, that all that could be done in the matter by the Board of Health had been done; there was scarcely an inch of the ground to which their attention had not been called. With regard to the sewerage of the Houses of Parliament the board was sitting or was shortly about to sit upon the three great cesspools.

The Earl of ARUNDEL and SURREY said, that as the two boards over which the noble Lords respectively presided appeared to be powerless, so far as the remedying of this defect was concerned, he hoped that the right hon. Baronet the Home Secretary would step in and do something for the protection of Members of the House.

Subject dropped.

COUNTY COURTS EXTENSION BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

The ATTORNEY GENERAL moved a clause enacting that the deputy judge should not practise in districts while he acted as deputy. Clerks appointed after the passing of the Act should, he proposed, be compelled to reside in the district.

Sir J. GRAHAM said, it was hardly possible to discuss this Bill in Committee satisfactorily in the present chamber. As he stated yesterday, he heard everything from hon. Gentlemen opposite, but he could not hear a word of what was said by hon. Members who sat before him on the same side of the House. He said he wished to call the attention of the Government to the evidence given by Mr. Hagley, a competent officer of the Government, in a valuable report respecting the present state of the law for the recovery of small debts. The clause under discussion, in its present shape, would have a prospective operation. Now, under the existing Act the clerks of county courts were appointed by the Judges, with the sanction of the Lord Chancellor; and when once that sanction was given, it could not be withdrawn. The result was, that no direct power was possessed by the Government to remove a clerk, whatever might be his misconduct; and at present there were some of the clerks who resided out of their districts. This was an unsatisfactory state of things, and the evidence of Mr. Hagley was strong in favour of a power of removal being vested either in the Secretary of State or in the Lord Chancellor—he should prefer in the Secretary of State. There was no doubt that the country had pronounced very decidedly in favour of the extension of the jurisdiction of the county courts. He would admit that there were some doubts whether the extension would be found to work so well as had been anticipated; but the opinion was so strong in favour of the present Bill, that he thought it would be better to extend the jurisdiction of these courts. But it would be most desirable that the present occasion should be taken to remove every defect in the working of the Act. The Secretary of State for the Home Department had, he believed, appointed a commission consisting of five county court judges; and he was confident that the Government would avail themselves of the opportunity to apply a corrective to the defects of the existing law. One more defect pointed out by Mr. Hagley was respecting the doubtful state in which the existing law left the power to use existing courts for the sittings of county court judges; and he (Sir J. Graham) thought it advisable to take powers providing that wherever there were existing courts they should be available for the purposes of this Act, provided any damage that might be done to the buildings was repaired from the funds raised under the measure. With regard to the clause before the Committee, he thought it ought to have a retroactive as well as a prospective operation.

Sir G. GREY agreed with his right hon. Friend that it would be desirable to be able to remove clerks in cases of misconduct. He should be prepared to carry out the recommendations of the committee of county court judges so far as they might appear calculated to improve the law and practice of the courts.

Clause, as amended, agreed to.

The ATTORNEY GENERAL had next a clause enacting that summonses and orders might be served by parties or their agents. Such a clause had been very generally demanded, and he had prepared one in which he had endeavoured to carry out the wishes of those parties. But he had since received so many representations of the difficulty and danger of admitting such a principle, that he had great doubts whether the House ought to agree to the clause. It seemed hard, upon the one hand, that parties should be compelled, at some expense, to employ others to do what they were able and willing to do for themselves. But remembering, on the other hand, that the due service of the summons was the foundation of the jurisdiction of the court, and that the courts would be liable to be imposed upon if plaintiffs were to be allowed to serve their own summonses, he was inclined to think that it would be better that some additional expense should be incurred than that the courts should be exposed to the difficulty of a disputed jurisdiction, which might be the consequence of allowing parties to serve their own summonses. With the leave of the House, he therefore proposed to withdraw the clause.

Clause withdrawn.

Sir G. PECHELL said, that hon. Members near him were labouring under this disadvantage—that they could not hear one word. There was something in the clause to enable parties to serve their own summonses. [The Attorney General: I have withdrawn it.] He had not heard anything about it; but if the hon. and learned Gentleman did intend to persevere in moving the clause— [An Hon. Member: It is withdrawn.] If the hon. and learned Gentleman had only spoken loud enough, he might have heard that the clause was withdrawn; but he could hear nothing about it.

The ATTORNEY GENERAL could assure the hon. and gallant Member that he had spoken at the top of his voice, and, if the Chairman would acquit him of disrespect, he would turn round and repeat to the hon. Member what he had said.

Mr. HUME would really suggest to the Committee whether they had better not retire to the other House. Except the speech of the right hon. Baronet the Member for Ripon, he had not been able to hear one word.

Mr. GOULBURN: The reason was because the Committee expected to hear something worth hearing from his right hon. Friend, and accordingly they had listened.

Sir J. GRAHAM said, it was more important that the Committee should be able to hear what fell from the Government than anything he could say. He could assure the House that it was impossible for hon. Members to hear what was said by those who were seated before them. In a debate that might not be inconvenient, but in Committee it was exceedingly so.

Mr. STAFFORD had been sitting on the Ministerial side, and had been straining to hear what was going on. He had, however, been compelled to cross over to the Opposition bench in order to listen to the Members of the Government.

The ATTORNEY GENERAL said, the next clause he had to propose was one of considerable importance. At present, if a person laid a plaint, and served it on a defendant, even though the latter made no defence, the plaintiff was obliged to go to the court with all his witnesses and incur all the expense of proving his debt. Now, his object in the present clause was, that whether the defendant was served or not, if he knew that a suit was about to be instituted, he might agree with the plaintiff about the debt, and enter an agreement in writing of the amount of the debt with the clerk of the court; and on such being done the judge might adjudicate upon the case in the same manner as if he had tried it in the ordinary way in court.

Clause agreed to.

The ATTORNEY GENERAL said, the object of the next clause he had to propose was to save expense in the summoning of juries. It was to the effect that, instead of high sheriffs and bailiffs, as at present, furnishing a list of jurors, for which a fee of twopence a folio was paid, the clerk of each county court should select a jury, when required, from a list of persons assessed for the poor at a rental of 20*l.*

Clause agreed to.

The ATTORNEY GENERAL said, he had another clause to propose, the object of which was to give the Treasury the power of ordering that judges, clerks, and other officers should be paid by salaries instead of fees. At present a minute in Council was necessary for that purpose, but it was thought better to place the matter in the hands of the Treasury.

Clause agreed to.

The ATTORNEY GENERAL then proposed a clause vesting the power of appointing and dismissing the necessary servants of the courts and offices in the Commissioners of the Treasury.

Mr. AGLIONBY thought care should be taken to have such persons appointed to those offices as would be really competent for the duties, and that the evil of having too small salaries, which would lead to the appointment of unfit persons, should be avoided. These places, he thought, should be under the control and direction of the district clerks.

Sir G. GREY said, it was proposed to give the power of appointment and dismissal to the Treasury in cases where there was any neglect of duty; and the same power could be exercised in the case of those persons who were found incapable.

Clause agreed to.

The ATTORNEY GENERAL then proposed a clause providing that town-halls and court-houses shall be used free of rent-charge for the sittings of county courts.

Mr. HENLEY thought it possible that under this clause county business might occasionally be interfered with. It was stated that the courts were not to interfere with the business "usually transacted" in the town-hall or court-house; but it might be necessary to hold courts not at the usual times, and in that case the county magistrates might be excluded from their own buildings.

The ATTORNEY GENERAL said, the spirit of the clause was completely opposed to the occurrence of any such contingency. Of course, such arrangements would be made by all parties as would obviate any inconvenience.

Sir G. PECHELL wished to say once more that he could not hear one word that was said. The conversation going on among a few Gentlemen was quite confidential. He wished to know if the existing settlements regarding town-halls were to be continued?

Mr. CARDWELL said, this clause had been brought in at his request, and it was certainly intended to save all existing contracts.

Clause agreed to.

Mr. MITCHELL moved a clause to the effect that nothing contained in the Bill should take away the power of the Judges of the superior courts to make order for holding defendants to bail in actions commenced in the superior courts for claims not exceeding 50*l.*, and that when in any action any such order should remain, the provisions of the Act should not apply with respect to such action.

Clause agreed to.

Mr. TORRENS M'CULLAGH moved—

> "And be it enacted, that the court shall, after the first day on which it shall sit in each district or place, commence its sittings not later than nine of the clock in the forenoon, save when prevented by the illness or unavoidable absence of the judge appointed to preside in such court; and that no trial, case, or business shall be entered upon after the hour of six of the clock in the afternoon of any day by such court, except at the request of both parties."

The ATTORNEY GENERAL objected to the clause, as the matter was under the consideration of the Committee of County Court Judges.

Lord D. STUART opposed the clause, the enactment of which might be attended with great practical inconvenience; for instance, the judges might be obliged to stop in town till the following day, and the witnesses on both sides in the case, together with the plaintiff and defendant, because the clause of the hon. Gentleman would not permit the court to sit after six o'clock.

Mr. T. M'CULLAGH said, the strongest representations had been made to him on this subject, and he had been informed that cases had occurred of some of the county courts in England sitting until after midnight. He would not, however, press the clause after the objection of the learned Attorney General.

Clause withdrawn.

Mr. CROWDER moved the adoption of a clause of which he had given notice, for the purpose of conferring the right of appeal. The hon. and gallant Gentleman the Member for Lewes, when he introduced the Bill, had in it an appeal clause, and with that clause the Bill was discussed on the first and second reading. In this shape the Bill remained until it reached Committee, when himself and his hon. and learned Friend the Member for Southampton objected to the peculiar nature of that appeal clause. It was stated by them, and by others, that the provision would be altogether inefficient for its purpose, and it was urged that it was not judicious that there should be an appeal for the defendant and none for the plaintiff, who, in case he was nonsuited or defeated, had no redress. Upon that occasion it was submitted that the appeal clause should be withdrawn, and his hon. and learned Friend the Member for Southampton promised that he would prepare certain appeal clauses. He (Mr. Crowder) had made the same promise, and had fulfilled it, but, to his great surprise, learned a few days ago that it was the intention of the hon. and learned Attorney General, and other influential Members, to oppose the appeal clauses altogether. Let it be remembered that one of the most important grounds upon which the 50*l.* extension was opposed by the hon. and learned Attorney General and the right hon. Home Secretary was, that the character of those courts would be lost, and the object of their formation in a great measure defeated, by conceding the power of appeal, which would, they said, be necessary if their jurisdiction were extended to 50*l.*; and they added, that the appeals would be attended with delay and expense. But at that time it was never supposed by any human being that if the jurisdiction were extended from 20*l.* to 50*l.*, and if they were to give the inferior judges of those courts such important jurisdiction, that their decision should be absolute, and that, unlike the highest Judge in the land, from the decision of one of them there should be no appeal. He put it to the common sense of hon. Members whether there ought to exist in this country such tribunals, without the power of appeal from their decisions. He was told that the hon. and learned Attorney General intended to oppose those clauses; and the reason, he believed, alleged by the Government for this course was, that it was their desire to render this Bill as similar as possible to that measure which it was meant to extend. But let him ask the House how the Bill would have been received if it had been in the first instance proposed to give a 50*l.* jurisdiction without an appeal. The House would have been shocked at the notion. Since then, he was well aware of what had passed out of doors, and that there was a determination to pass this measure. Believing that it must be adopted, he was most anxious to render it as little mischievous as possible, and he introduced these clauses to give efficiency to its operation. It was on the suggestion of the Common Law Commission that sat in 1833, those county courts were established, and he found the commissioners in their report adverting to the absolute necessity, if Parliament appointed sixty different judges in the country, of having power, if necessary, to rectify their decisions. In 1841, Sir E. Sugden, referring to the extension of the jurisdiction of the county courts, stated that two things were necessary to give to these courts a proper check: a vigilant and independent bar, and a court of appeal. Without a power of appeal over the jurisdiction of the county courts, law would become a lottery, and the most conflicting decisions would be constantly taking place, He had been informed that in three of the metropolitan districts, decisions of the most contradictory character had been given by the judges. In the court of one of these districts a decision of the Court of Exchequer was referred to by the counsel for the plaintiff, and the judge said that he would be bound in his judgment by that decision; while in the adjoining district the same decision was overruled by the judge; and in the third the judge stated that he had nothing to do with the decision of the Court Exchequer, and should decide the matter according to his own discretion. And why should they not all do so? They were possessed of an irresponsible power, hitherto perfectly unknown to the English law. He believed that the surest way to destroy the efficacy of the measure, and to raise the feeling of the country as much against as it was now in favour of it, would be by passing the Bill in its present state. He admitted that some delay would necessarily take place by granting the power of appeal; but in framing the clause which he intended to propose, he had endeavoured to provide as far as possible against any unnecessary delay.

Clause brought up, and read 1°.

Motion made, and Question put, "That the Clause be now read a Second Time."

MR. FITZROY understood the hon. and learned Gentleman the Attorney General intended to oppose this clause; but he wished to say that the hon. and learned Member for Liskeard had rather mis-stated the facts as to the appeal clause in the Bill originally. He (Mr. Fitzroy) himself had always been opposed to the appeal, and had only introduced the clause in deference to what he understood to have been the express wish of the right hon. Gentleman the Home Secretary and the hon. and learned Attorney General. He considered the adoption of the clause now proposed would be extremely objectionable.

SIR G. GREY disclaimed having expressed any wish that an appeal clause should be introduced. He had objected to the introduction of the Bill itself, as he thought they were running the risk of depriving these courts of the character which made them popular. He had, on a former occasion, stated that the sum of 20*l.* had been taken as the limit in the existing Act, because that was the amount within which no new trial was allowed, and he then stated his fear that if the amount was extended to 50*l.*, as this Bill proposed, it would open the question of appeal; but, as the House had decided upon the extension to 50*l.*, his desire still was to retain as much as possible the distinctive character of these courts, and therefore, he should oppose this clause.

MR. AGLIONBY believed that the addition of this clause would render the Bill distasteful to the whole country, and make it a curse instead of a blessing. The right of appeal as to matters of fact might induce many judges to throw off their proper responsibility. He knew no form of tribunal so satisfactory as the arbitration of a single barrister of eminence; it was on that ground that he was in favour of the Bill without appeal. For his own part he would rather have a decision pronounced against him than be subjected to an appeal.

The ATTORNEY GENERAL must oppose the introduction of this clause. The object of establishing these courts was to have the matter in dispute summarily, cheaply, and, if possible, satisfactorily decided; and though he had been opposed to the extension of the jurisdiction to 50*l.*, the House having decided in favour it, he felt it to be his duty to assist in passing the measure as proposed. The introduction of this clause would be a serious evil, inasmuch as it would destroy the efficacy and the general operation of the court. He was also opposed to the clause because the appeal, not including cases of 20*l.*, would draw a line between the rich and the poor, which would tend to damage the character of the courts, and shake the public confidence in them.

MR. COCKBURN believed an appeal to be absolutely necessary. There was no Member of the House who was a more cordial supporter of the principle of the measure than he was. He was in favour of localising the administration of justice, and hoped to see these courts gradually absorb the legal business of the country; but in order to the beneficial working of the Bill, there must be an appeal from the decisions of the judges to some superior court. He had never yet seen a judge, however exalted he might be in ability and intelligence, upon whom the consciousness of being subjected to superintending control did not act salutarily; and he believed that these sixty judges needed such control. It must be recollected that they would not have the same check from the bar and the press as the superior courts, and unless they were operated upon by the consciousness of there being an appeal from their decisions, their decisions would be contradictory, and there would be a confused administration of the law. No other judge, not even the Lord Chancellor, was exempt from appeal. He admitted that the object of the Bill was to secure summary, speedy, and cheap justice; but when the jurisdiction should be extended to 50*l.*, a new class of business would be introduced, involving important principles of law, and without an appeal the decisions could scarcely be otherwise than conflicting, seeing that the judges would not have the same reason for keeping up their legal knowledge as the judges of the superior courts. Let it be recollected that the Bill would have to go before the other House of Parliament, where they had heard it was likely to meet with considerable opposition. Unless they provided for an appeal to the superior courts, there might be considerable hostility in the other House;

and, if only because he was anxious for the ultimate success of the measure, he should support the proposed addition.

Sir J. GRAHAM said, he, too, was very anxious for the success of the measure; but he would not prognosticate as to the fate of the Bill in the other House. He was extremely glad that Her Majesty's Government had adopted the course which they had done that evening, that of endeavouring to perfect the Bill as far as possible, so as to meet the reasonable expectations of the great body of the people. He was unable to combat the arguments urged with his accustomed force by the hon. and learned Member for Southampton. He admitted that it might have been desirable to wait longer, in order to see what had been the exact working of the County Court Act. He also admitted, that amongst sixty judges they could not expect uniformity of decision, and that from the very constitution of these courts there could not be such a check on the conduct of the judges as existed in the superior courts. But the two hon. and learned Gentlemen who had just spoken, even though they might argue with the wisdom of Solon, shared a misfortune which had befallen greater persons, and their arguments were liable to the objection which was expressed in two words, "too late." It was the opinion of the people of this country, that in the superior courts of law, what with delay of process, and what with the great expense attending an application to them, justice was too dear; and that they must have a more summary and ready process. He was afraid that the justice which was about to be placed at their disposal, though cheap, would be imperfect as compared with that which they were accustomed to receive at the hands of the Judges of this country. He also entertained some fears as to the indirect effect of this measure in relation to the bar of Westminster Hall—a body of men which he considered to be one of the greatest ornaments of the country, and to whom it was under eternal obligations. If such was the effect, he should regret it. Still the judgment of the people of this country had gone forth. They said, that the course of proceedings in the superior courts with reference to debts of 50*l.* was so extravagantly dear that it amounted practically to a denial of justice, and they demanded that a further experiment should be tried. If he was right in reference to the state of the public mind on this question—and he believed he was perfectly right—by granting an appeal they would violate public opinion on this subject, for they would thus perpetuate all the delay and expense of the present proceedings in the superior courts. He was extremely glad Her Majesty's Government had taken the step which they had done with regard to the investigation of the cost of proceedings in the superior courts. He considered that step a wise one, and wished that it had been taken sooner, either by the Government or their predecessors in office. Late reforms were always dangerous; but he was glad that a remedy was about to be applied, even though it were late, to what required remedying in those courts. It was the earnest and the legitimate desire of the people of this country, with regard to debts of moderate amount, to have cheap and ready justice at their own doors; and though he thought the clause proposed had been both framed and supported in the right spirit, and although he could not satisfactorily answer the arguments urged for it in the abstract, he felt bound to say that he thought the House would not correctly represent the opinions of the country by sanctioning it.

Sir R. H. INGLIS said, however right it might be to desire cheap, speedy, and summary justice, certain justice was not less important; and he could not help fearing that the decisions of the sixty county court judges would be found as conflicting as those of Election Committees were formerly, when no person could anticipate the decision of the Committee except by looking at its constitution. He had no wish to impede the progress of the Bill; on the contrary, he aimed at making it perfect, and for that reason he should vote for the additional clause.

Mr. J. S. WORTLEY doubted whether those were the best friends of the measure who resisted the proposed addition. It was his firm conviction that if the Bill were passed without including the right of appeal, the county courts would become as remarkable for their unpopularity as they now were for their popularity. The expense of the proposed appeal would be comparatively trifling, not exceeding that of an appeal to the quarter-sessions. In Scotland there was in the case of debts exceeding 10*l.* a right of appeal to the Court of Session, and there it worked satisfactorily.

Colonel THOMPSON would excuse himself for interfering, by stating that he acted chiefly under authority and advice. But, on his own unaided judgment, he hoped he might, without profanity, say, "The Lord deliver us from summary jurisdiction!" for certainly it was not necessary to look far, to see good reason for that prayer. Nobody would persuade him that there was any cry in the country, "Cheap law and bad!" And he had heard no answer to the principal argument of the learned advocates for the clause, which was, that judges decided better when there was an appeal hanging over their heads than not. For these reasons he must support the clause.

Mr. J. EVANS opposed the clause. He was about to argue a case in the new trial paper in the Queen's Bench, which was a year old; and he had frequently had to argue country new trials after they had been a year and a half or two years in the paper, when he had forgotten all about them. There would be no end of appeals if his hon. and learned Friend's proposition were acceded to, and the business of the superior courts must necessarily fall into arrear.

Mr. CROWTHER said, that the arguments of the right hon. Gentleman the Member for Ripon had failed to convince him of the propriety of passing this Bill without the appeal clause. The House was legislating, not for the moment, but for a continuance, and it would be a strong piece of legislation to pass this Bill without giving an appeal from the judges of the county court, when an appeal had always been allowed from judges selected from the very first ranks of the bar. With regard to the observation made by his hon. and learned Friend the Member for Haverfordwest, there might be some arrear in the business of the Queen's Bench, but in the Exchequer and Common Pleas there were no arrears at all.

The Committee divided:—Ayes 25; Noes 108: Majority 83.

List of the Ayes.

Adderley, C. B.
Barrington, Visct.
Best, J.
Bremridge, R.
Brotherton, J.
Chatterton, Col.
Davies, D. A. S.
Denison, E.
Floyer, J.
Granger, T. C.
Halford, Sir H.
Hamilton, Lord C.
Hood, Sir A.
Inglis, Sir R. H.
M'Cullagh, W. T.
Napier, J.
Patten, J. W.
Portal, M.
Stansfield, W. R. C.
Strickland, Sir. G.
Thompson, Col.
Townley, R. G.
Vivian, J. E.
Westhead, J. P. B.
Wortley, rt. hon. J. S.

TELLERS.

Crowder, R. B.
Cockburn, A. J.

House resumed.

Bill reported; as amended, to be considered on Tuesday next.

PUBLIC LIBRARIES AND MUSEUMS BILL.

Order for Committee read.

Mr. EWART moved that the House resolve itself into Committee on this Bill. He understood that the hon. and gallant Member for Lincoln intended to oppose Mr. Speaker's leaving the chair to go into Committee, although he had divided the House on the introduction of the measure, and on the second reading. The object of the Bill was to allow the inhabitants of towns with more than 10,000 inhabitants to have the advantage of free libraries and museums. He had, in the first instance, proposed that town councils should have the same powers to levy rates for this purpose, as they had under the Baths and Washhouses Act. With the view of meeting some of the opponents of the measure, who objected to this power being given to the town councils, he had withdrawn the former Bill, and introduced a new one on the subject. By the present measure it was essential that the consent of two-thirds of the ratepayers should be obtained before this measure could be carried into effect in any place. On an application being made on the subject, the mayor of a borough was bound to give public notice on the door of the town-hall, and in a newspaper circulated in the place, of his intention to call a meeting of the inhabitants of the place to consider the matter, and this meeting could not be held until at least ten days after the notices had been issued. If the meeting should agree to the plan, the votes of the ratepayers would be taken, and the Act could not be brought into operation in any place without the consent of two-thirds of the ratepayers. He trusted there would be no further objection to the Bill going into Committee.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Colonel SIBTHORP said, although this Bill might be considered to be a new one as compared with the former, he felt bound to continue his opposition to it. These were not times for spending money in the way proposed, when it might be much better expended in providing food and employment for the people. When they had done this, it was time enough to provide amusements and recreation of the character to be provided for by this Bill. Instead of endeavouring to afford them industrious and profitable employment, he supposed they would be thinking of supplying the working classes with quoits, peg-tops, and foot-ball. They should first teach the people to read and write. What would be the use of these libraries to those who could not read or write? He supposed that the hon. Member and his Friends would soon be thinking of introducing the performances of Punch for the amusement of the people. The Bill was wholly uncalled for. There were no petitions presented in favour of it. Instead of calling upon the unfortunate ratepayers to pay for these amusements, he, for one, would be more disposed to put his hand in his pocket in order to enable them to enjoy them altogether free from taxation.

Amendment proposed—

"To leave out from the word 'that' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,'"

instead thereof.

MR. HUME said, that, from the speech of the hon. and gallant Officer, it was evident he had not read the Bill with that attention which was required. Though the greater part of what he had said had been inaudible where he (Mr. Hume) sat, yet there were some points on which he was disposed not to differ much from the hon. and gallant Member: for instance, he was averse from saddling people with any taxation without representation. It would be most objectionable, in particular, to do so for such things as billiard tables. The Bill, however, did not propose to do all these things entirely without the consent of the inhabitants, but after a public meeting of the ratepayers, and the vote of a certain majority of them. With reference to the gallant Officer himself, he should not be surprised if one of the very first things he would do, after the passing of the Bill, would be to present his constituents with a handsome sum of money wherewith to purchase a library. In the United States there were some 10,000 public libraries, but in England, not 200; and, thinking it was much better that the people should have the opportunity of spending their time in public libraries in preference to public houses, he did hope that the gallant Officer would not put the House to the trouble of dividing, but let them proceed with the details of the measure.

MR. ALDERMAN SIDNEY felt some difficulty in opposing a measure of this kind; but there were several very great discrepancies in the Bill as it at present stood. There was no provision in the Bill for calling a public meeting of the burgesses, and, if such meeting were called, it was not two-thirds of the whole of the burgesses, but only two-thirds of those at the meeting, whose assent was required. Again, the Act having been once put in force, there was no provision for its ever being repealed. In many towns he believed it would prove utterly abortive. In such a town as Leeds, for example, a single library or museum would not be of the slightest benefit to persons residing at a distance from the centre of the town. He could not admit that the Bill was called for, and should divide against it.

MR. HEALD had objected to the former Bill; but after the alterations which had been made, he should vote for going into Committee. He thought the preliminary step of taking the opinion of the ratepayers was a most fair mode of proceeding.

COLONEL CHATTERTON asked whether it was intended to make it applicable to Ireland?

MR. EWART said, it did not apply to Ireland, but he understood that an hon. Member had given notice of his intention to introduce it into Ireland.

MR. STANFORD was not opposed to the principles of the Bill; but he complained that the understanding that had been come to on a previous occasion had been departed from by the hon. Member who had charge of the Bill. There was a distinct understanding, on the occasion to which he referred, that the Act should not be forced on any borough without the assent of two-thirds of the ratepayers. There was a distinct understanding, on the occasion to which he referred, that the Act should not be forced on any borough without the assent of two-thirds of the ratepayers. The effect of this would be, that in the borough which he represented, the 4,000 or 5,000 ratepayers which it contained would be governed by two-thirds of the persons upon the burgess-roll—a proceeding to which he should certainly object. He considered, also, that the Bill was too limited in its object. The vast machinery which it proposed to put in motion was merely to erect buildings, and nothing more. When the buildings were erected there would be no books to put into them, unless the defect was supplied by donations. He believed it would prove as inoperative as the Museums Bill which was passed five years ago; the fact being, he understood, that not one museum had been erected under that Act.

MR. KERSHAW said, that the statement which had just been made by the hon. Member for Reading was hardly consistent with fact, inasmuch as he knew of one museum, at all events, that had been established under the Act—he meant the one at Salford; and he believed the Act had also come into operation in other places. With respect to the present measure, he begged to say, that so far from the large ratepayers being likely to object to the small rate which the Bill provided for, his firm conviction was, that they would willingly pay it, in order to secure to the people of this country the great benefits which would be derived from this Bill, if it should become law. In his opinion, it was impossible to overrate the advantages which were likely to flow from a measure of this kind; and, therefore, it should have his hearty support at every stage.

MR. SPOONER appealed to his hon. and gallant Friend the Member for Lincoln, whether it was worth while to take the sense of the House again upon the principle of the Bill, there having been already two divisions upon it; and whether it would not be better to go at once into Committee, and endeavour to amend it there as much as possible.

MR. FORBES had heard various reasons assigned for going into Committee on this Bill, but none of them appeared to his mind at all satisfactory; and, therefore, if his hon. and gallant Friend divided the House, he should vote with him.

MR. WYLD was surprised at the opposition which had been offered to this Bill by the agricultural interest, and could only account for it by supposing that they were alarmed lest it should lead to the diminished consumption of an article in which they largely dealt (malt); because it appeared, from the whole course of evidence on this subject, that, in proportion as institutions of this kind were established, drunkenness and crime had diminished.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 87; Noes 21: Majority 66.

List of the NOES.

Benbow, J.
Best, J.
Booth, Sir R. G.
Brockman, E. D.
Chatterton, Col.
Cubitt, W.
Denison, E.
Dick, Q.
Gwyn, H.
Hildyard, R. C.
Hood, Sir A.
Hudson, G.
Inglis, Sir R. H.
Law, hon. C. E.
Masterman, J.
Mullings, J. R.
Prime, R.
Sidney, Ald.
Spooner, R.
Stanford, J. F.
Stanley, E.

TELLERS.
Forbes, W.
Sibthorp, Col.

Main Question put, and agreed to.

House in Committee.

On Clause 1 being proposed,

MR. GOULBURN desired to be informed in how many instances the Museums Bill, which was passed five years ago, had been adopted?

MR. EWART said, it had been, or was being adopted, in Warrington, Salford, Manchester, Leicester, and other places.

MR. BROTHERTON said, that, as he observed the object of hon. Members opposite was to waste the time of the House, in order, apparently, to prevent them getting to the next Order on the Paper (the Marriages Bill), he begged to move that the Chairman report progress.

MR. LAW thought they had better go on with the present Bill.

SIR G. GREY reminded the hon. Gentleman that the effect of his Motion would be to delay the measure indefinitely.

MR. HUME considered that, in the circumstances, it would be advisable to proceed with the business which was expected to come on; and he would therefore support the Motion.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 68; Noes 48: Majority 20.

House resumed.

Committee report progress, and ask leave to sit again.

On the Question, that the Committee have leave to sit again,

MR. EWART moved that the Chairman have leave to sit again on Wednesday.

Motion made, and Question proposed, "That this House will, upon Wednesday next, again resolve itself into the said Committee."

MR. LAW moved the substitution of the words "this day six months," for "Wednesday."

Amendment proposed, to leave out the words "Wednesday next," and insert the words "this day six months" instead thereof.

MR. HUME expressed his sorrow to find how much disposition there was in the House to obstruct a measure for the enlightenment of the country. He was sorry for it, but hon. Members opposite seemed determined advocates for keeping the country in as dark an ignorance as possible.

MR. LAW, without the least disrespect to the hon. Member, must enroll him amongst the advocates for ignorance, inasmuch as he had just voted to stop the progress of this Bill for the enlightenment of the country.

SIR H. VERNEY said, that those hon. Members who were advocates for this Bill had great reason to complain of the conduct of the hon. Member who had charge of the Bill. He considered the measure one of the greatest importance to the country; its only fault was, that it was applicable to towns alone, and not to the agricultural districts.

COLONEL THOMPSON, as an impartial witness, must say, that in his judgment there had been no opposition from the other side of the House, and all the opposition had been on his.

Question put, "That the words 'Wednesday next' stand part of the Question."

The House divided:—Ayes 85; Noes 47: Majority 38.

Main Question put, and agreed to.

Committee to sit again on Wednesday next.

MARRIAGES BILL.

Order for Committee read.

House in Committee.

Clause 3.

MR. ROUNDELL PALMER rose to move the Amendment of which he had given notice. He said the Bill had been introduced last year in a form which was perfectly consistent and intelligible, and which professed to make no difference in any way between Churchmen and Dissenters. It did not then profess in any sense to be a Bill for the especial relief of persons dissenting from the Established Church of Great Britain and Ireland. The Bill then provided that there should be full liberty to all persons throughout the united kingdom to contract this description of marriage, and that it should be at the option of any minister of religion, in the church or out of it, to celebrate such marriage or not. The principle of that Bill was affirmed by the House on the second reading, and he (Mr. R. Palmer) gave notice of amendments which would have had the effect of preserving the definitive doctrine of the Church on this subject, and of preserving its discipline to this limited extent, that no clergyman should be permitted to solemnise a marriage contrary to the law of the Church of which he was a minister. Those amendments were not accepted by his right hon. and learned Friend the Member for Bute; and he had therefore abundant ground for saying that down to the end of the last Session there was no pretence to legislate especially for Dissenters upon this matter. But soon after the House had risen for the recess, there were signs of a remarkable change of view on the part of his right hon. and learned Friend, and it became evident that the subject was about to be presented to the consideration of the House as in an especial manner a Dissenter's question. He held in his hand a printed copy of a letter which appeared to have been written by his right hon. and learned Friend to some gentleman belonging to the Dissenting body, and which had been published by that gentleman in a Dissenting newspaper called the *Nonconformist.* That letter showed the new points of view in which the question was then first presented. His right hon. and learned Friend said—

> "It is my intention to reintroduce the Bill to which you refer at the very beginning of the Session, and to press it through the House of Commons, if possible, before Easter. In the House of Lords I regret to have to anticipate a very formidable opposition; and, therefore, it is very important that those who have an interest in the question should spare no exertion to influence public opinion, and, through the force of public opinion, to sway the decision of the Lords. Hitherto, I confess that I have been disappointed at the absence of anything like a systematic support from the Dissenters; for, though an important petition was presented by Mr. C. Lushington, signed by 108 of the principal ministers of Dissenting congregations, no general movement has been made; and yet, considering the high ground of Church authority and canonical decisions which was taken by the opponents of the Marriage Bill, the question really becomes one of religious liberty. If the organisation of the Dissenting bodies could be used for procuring petitions, it would, in my judgment, be of immense value, for though there will be a considerable majority in the House of Commons in favour of the Bill, there will, unless some new impulse be given, be little chance of success in the House of Lords, and it is not a subject on which it is easy to keep up any strong public feeling."

It was evident from that letter that they were to have the measure presented to them in a new point of view, and since that time there had undoubtedly been a very great endeavour made, with a certain degree of success, to obtain a large amount of peculiarly Dissenting support—and he wished to speak with all due respect of the Dissenting communities—for this measure. Accordingly, when his right hon. and learned Friend applied for leave to introduce this Bill at the commencement of the Session, he took new ground, and instead of proposing it as a measure equally and indifferently applicable to all Her Majesty's subjects, he placed the Bill in a great measure upon the ground of the conscientious opinions entertained by the Dissenting bodies, and said he had come to the conclusion that it would be wise to omit those provisions to which objection had been made, and to leave the rules and discipline of the Established Church perfectly untouched by the measure. His right hon. and learned Friend had said, speaking of the Bill as it stood, that the doctrine and discipline of the Church of Scotland were left by it intact; but he (Mr. R. Palmer) thought he would be able to prove that that was an extremely erroneous proposition. He found his right hon. and learned Friend—adopting to that extent the Amendment which he had suggested last Session—proposed now to provide "that nothing contained in this Bill should be deemed or construed, in any civil or ecclesiastical court of this realm, to alter or affect any doctrine, canon, or law ecclesiastical of the United Church of England and Ireland, or of the Church of Scotland, whereby the degrees of consanguinity and affinity within which marriage is now held to be prohibited by the doctrine and discipline of those churches respectively were settled or defined." This did nothing beyond providing that the abstract doctrine of the Church on the question should not be taken to be altered. The clause then provided that no clergyman, minister, or officer of either of the Churches specified should be required or authorised knowingly to solemnise or grant any licence for solemnising any marriage contrary to the doctrine or discipline of the Church of which he was a minister. There was nothing more in the clause to save the doctrine or discipline, or laws of either of the Churches; but his right hon. and learned Friend had qualified the amendments which he had so far adopted, by a most important proviso, declaring that the parties to any such marriage should not, by reason only of such affinity, be subject to censure or punishment by suit in the ecclesiastical court. This was in effect providing that the whole of the administrative discipline of the Church should be destroyed, leaving untouched only the doctrinal definitions relating to the subject. The object of his (Mr. R. Palmer's) present Amendment was to do in reality what his right hon. Friend professed an intention to do; to leave the rules, and doctrine, and discipline of the Church, entirely intact; but this clause would prevent proceedings from being taken in the ecclesiastical courts for the purpose of enforcing the discipline of the Church. He would ask the Committee to consider what infractions of the rights and discipline of the two Churches might result if his Amendment was not adopted. Let them take the case of proceedings in the ecclesiastical courts for restitution of conjugal rights between persons who had contracted the description of marriages to which this Bill referred. The right hon. and learned Gentleman professed to leave untouched the doctrine of the Church on this subject; so that it was still to be the acknowledged and unaltered doctrine of the Churches of England and Scotland that a marriage with the sister of a deceased wife was an incestuous marriage. Suppose such a marriage to be contracted, and that afterwards one of the parties felt a scruple of conscience, and was led to believe that the unaltered law of the Church of England, affirming such marriages to be incestuous, was in conformity with the law of God. The other party, taking a different view, might bring a suit in the ecclesiastical court for a restitution of conjugal rights. What was the ecclesiastical court to do? As the Bill stood, these marriages were declared to be lawful; no decree or sentence of any court whatever was to pronounce any such marriage null or void; and by this third clause it was proposed to take away the power of proceeding in the ecclesiastical court for any censure or punishment by reason only of the affinity of the parties contracting marriage. No words were introduced which could enable the ecclesiastical court to say, "We will draw a line between these and other marriages, and we must refuse to decree restitution of conjugal rights on the ground that the Church considers the marriage incestuous." A suit for the restitution of conjugal rights could at present only be defended on the ground either of the invalidity of the marriage, of adultery, or of cruelty—the court having the power, on the establishment of the first plea, to pronounce the marriage null, or on proof of the second or third to decree a separation *à mensâ et thoro*. It was clear, if the Committee did not adopt the proviso which he proposed, that they would compel the courts of the Church to pronounce decrees requiring parties to live together in a state which the law of the Church denounced as incestuous. He begged to call the attention of the Committee also to this important fact—that a clergyman of the Church might have contracted one of these marriages, and might be living in a state regarded by the doctrines of that Church as incestuous, and yet the Bill would preclude his being subjected to any ecclesiastical censure or punishment by reason of such marriage. He (Mr. R. Palmer) thought that, if this Bill passed in its present form, no clergyman could, without very serious risk of penal consequences in the ecclesiastical or temporal courts, refuse to administer all the rites and sacraments of the Church to those members of the Church, whether clergy or laity, who might contract marriages which, according to the doctrine of the Church, must be regarded as incestuous. It appeared to him that, so far as Scotland was concerned, the gravest constitutional principles were involved in this matter. What was the ecclesiastical law of Scotland on this subject? By the Act of Union it was declared that the maintenance of those Acts of the Scottish Parliament which were passed upon the accession of William III., for establishing and securing the Presbyterian religion, church government, and discipline, should for ever be confirmed, and that they should be perpetual and unalterable conditions of the union of the two kingdoms. By one of these Acts so made perpetual and unalterable, the *Confession of Faith* of the Church of Scotland was ratified and established as part of the law of the land, and in that *Confession of Faith* he found these two articles. The first was—

> "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the word. Nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as these persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood, than he may of his own; nor the woman of her husband's kindred, nearer in blood than of her own."

The *Confession of Faith* also set forth the authority and duty of church officers, as distinct from the civil magistrates, to administer a spiritual and moral government in the Church by means of censure and absolutions. The article was—

> "Church censures are necessary for the reclaiming and gain of offending brethren, for deterring others from the like offences, for purging out that leaven which might infect the whole lump, for vindicating the honour of Christ and the holy profession of the Gospel, and for preventing the wrath of God, which might justly fall upon the Church, if they should suffer His covenant and the seals thereof to be profaned by notorious and obstinate offenders. For the better attaining of these ends, the officers of the Church are to proceed by admonition, suspension from the sacrament of the Lord's supper for a season, and by excommunication from the Church, according to the nature of the crime, and demerit of the person."

Now the last proviso in this clause would distinctly prohibit the church courts of Scotland from executing these powers, for it declared that parties to any such marriages should not, by reason only of their affinity, be subject to censure or punishment in the ecclesiastical courts. He had received many representations on this subject, and he had no doubt that hon. Members who represented Scotland would be able to confirm those representations. He had received a letter from an exemplary beneficed clergyman of the Church of Scotland, from which he would venture to read some extracts, to show the distress and confusion that would be occasioned if they passed this Bill without some such proviso as he proposed. His correspondent said—

> "It ought to be remembered that the discipline of our Church (I speak of the Church of Scotland) extends, not merely to the clergy, but to the members of the Church. Suppose, then, that a church member contracts such a marriage as that which this Bill proposes to legalise, he is regarded by our ecclesiastical law as guilty of having contracted an incestuous marriage. Suppose, then, that this man applies for church privileges, baptism for children, or admission to the Lord's table for himself; these privileges, according to the laws of our Church, must be refused, and refused until the incestuous intercourse be discontinued. There is thus a wide difference between such a marriage and what is called an irregular marriage. An irregular marriage is recognised by the law of Scotland, and yet the parties are liable to church censure; but our ecclesiastical law does not in such a case require that the connexion be dissolved, which it does in the other, and, accordingly, parties who have contracted an irregular marriage may be restored to church privileges while living together, which cannot be the case with such as have contracted what the laws of our Church consider an incestuous marriage. The Church, as recognised by the State, has unquestionably been established for the purpose of supplying with divine ordinances those who are without reproach; but if this Bill be passed, the Church of Scotland must regard persons as having disqualified themselves for her communion by doing that which the laws of their country warrant them to do. Then, suppose, again, that a clergyman of our Church takes advantage of this law and enters into such a union as it legalises; the church courts must interfere and take such steps as will ultimately lead to his deposition. They can have no choice in this.

The question will then arise, 'Can a man be lawfully deposed for doing that which the civil law entitles him to do?' The civil law cannot regard him as worthy of deposition. The fruits of the benefice will thus be severed from the cure of souls, which the civil courts a few years ago declared to be impossible, and thus the civil and the ecclesiastical courts are brought into collision; the civil courts refusing to give effect to the sentence of the ecclesiastical, the civil courts declaring the man still to be minister of the particular parish to which he may belong, and still a minister of the Church of Scotland, while the Church of Scotland herself declares him not even to be in communion with her. There will be this most important difference between such a case and those which led to the secession of 1843, that the collision will not be betwixt the civil power and a party in the Church, but betwixt the civil power and the Church itself."

That was the case as regarded Scotland. But what did the English canons say? He would take the 109th canon, which declared that—

"If any offended the brethren, either by adultery, whoredom, incest, or any other uncleanness or wickedness of life, such notorious offenders shall not be admitted to the holy communion till they be reformed."

Now the 99th canon declared that no persons should marry within the prohibited degrees, and that all marriages contracted against the terms of that canon were to be considered incestuous. The words were these:—

"No person shall marry within the degrees prohibited by the laws of God, and expressed in a table set forth by authority in the year of our Lord 1563; and all marriages so made and contracted shall be adjudged incestuous and unlawful."

The Bill then before them—if it passed—and the canons taken together, would constitute a body of law which the clergy would be both morally and legally censurable for not obeying, but the parts of which were not consistent. Upon a moral and doctrinal question, such as that of the prohibited degrees of marriage, the clergy were bound to obey the law of the Church; and if Parliament wished to preserve that law and to protect the clergy in their obedience to it, he did not see how they could refuse the Amendment that he had proposed. He knew that one of the objections to the Amendment which he had placed upon the paper was this, that the effect of it would be to hold out inducements to some members of the Church of England to become Dissenters. If any desired on that ground to become Dissenters, he would say, let them go. Better that they openly became Dissenters than that persons holding such opinions as they did should be retained within the body of the Church. If they conscientiously differed from the Church, they might, as professed Dissenters, entitle themselves to all due respect; but if they differed from the Church upon important and fundamental principles, why should they join us? Such members gave no strength to the Church, and the union of them with the Church could be of no service to the country. If the House were induced to adopt the Amendments which he had proposed, they would find this to be the effect of introducing them—that they would, as far as possible, enable the members of those great religious communities which disapproved of the Bill, to relieve themselves from its operation. Was that a slight thing? If the Bill remained as it stood, every married man and woman throughout the country would find the domestic relations in which they stood to the sisters of the wife inevitably changed; and, after the wife's death, no widower, however decided against a marriage with his wife's sister, could continue to associate with her as a brother-in-law. If the laws and discipline of the two Churches were preserved inviolate, this might be some protection to all who, being within the pale of those Churches, would be subject to their laws, and amenable to their discipline. But if, while they pretended to leave untouched the law of those Churches, they took away all power of enforcing that law, they took away all protection from those who dissented from the principles upon which the measure was founded—they took away all protection from every one whose social relations and position might be interfered with by its provisions.

Amendment proposed, in page 3, line 17, after the word "passed," to insert the following words:—

"Nor shall any member of either of the said Churches, who may hereafter contract any such marriage, be exempted, by virtue of this Act, from any such Spiritual or Ecclesiastical censure or punishment; nor shall any sentence for restitution of conjugal rights be pronounced by any Ecclesiastical Court in any suit or proceeding between the parties to any such marriage."

MR. J. S. WORTLEY could not give his assent to the Amendment, because he believed it not only uncalled for, but contradictory in principle and highly mischievous in operation. It was wholly inconsistent with the general tone and tenor of the Bill; and, with all deference to his hon. and learned Friend, for whose ability he had the highest respect, he must take leave to say that nothing could be more absurd or irrational. The Amendment had its origin in that which had dictated from first to last the opposition which had been offered to this Bill, namely, in a desire to stretch the ecclesiastical authority to the utmost possible point. There could be no question that the anxiety to effect this most undesirable object was the head and front of the opposition which had been offered to the Bill; and in no portion of that resistance was the spirit more clearly discernible than in the present Amendment. The effect of the Amendment would be to lead to this inconsistent and anomalous result, that a man marrying the sister of his deceased wife would contract an alliance, the validity of which would be recognised by the civil courts, but in such position would he stand with respect to the ecclesiastical courts that any person who was prompted by an impulse of malignity against him would have nothing to do but to institute a proceeding against him in the latter tribunals, and to cause a judgment to be passed upon him, the effect of which would be to expose him to the penalty of standing in a white sheet at the church door. Against such an anomalous state of the law as this, he, for one, would never cease to protest. There was not the least colour of truth in the statement that the Bill was a coercive measure. It compelled no man to contract such a marriage, and no clergyman to solemnise it, against their own sense of right. Perfect freedom of conscience was guaranteed to all, both lay and clerical.

Sir R. H. INGLIS observed that his right hon. and learned Friend had imputed to the hon. and learned Member for Plymouth a wish to extend the limits of Church authority. [Mr. J. S. Wortley: Ecclesiastical authority were the words he had used.] If there were any distinction between ecclesiastical authority and Church authority he would leave his right hon. and learned Friend to explain it to the Committee. His right hon. and learned Friend was understood to say, he wished to leave the law as regarded proceedings in ecclesiastical courts precisely where it stood at present. He would leave marriages within the prohibited degrees precisely where they were at present, so far as proceedings in the ecclesiastical courts were concerned. His right hon. and learned Friend, in the letter which the hon. and learned Member for Plymouth had read to the House, complained that the subject then before the House "was one upon which it was not easy to keep up any strong public feeling." He had himself that morning received a lithographed letter, and he presumed that he was not the only Member of that House who had received such a communication, stating that the matter now before them was a question of civil and religious liberty; a question of civil and religious liberty, that a man should be free to marry his deceased wife's sister. In his opinion the House of Commons had no discretionary power—they were bound to consider whether the Bill was, or was not, agreeable to the word of God. Opposition to the Bill did not come from those who sought to enlarge Church authority or ecclesiastical power, neither were the defenders of the Bill to be considered hostile to the Church of England.

Sir F. THESIGER said, he wished for an explanation of his right hon. and learned Friend's opinion as to the Amendment of his hon. and learned Friend the Member for Plymouth; he seemed to have no objection to the latter part of the Amendment. If he understood rightly, his hon. and learned Friend the Member for Bute stated that no ecclesiastical court would possess authority to pronounce sentence in a suit between parties who stood towards each other within the prohibited degrees of affinity.

Mr. J. S. WORTLEY explained.

Mr. COCKBURN thought there could be nothing more mischievous than the legislation now proposed by the hon. and learned Member for Plymouth; for the Committee, if they agreed to the Amendment, were about to place the ecclesiastical tribunals in direct opposition to the civil tribunals of the country. For all civil purposes, the civil tribunals were, by this Act, to give effect and validity to these marriages; and yet at the same time, by this Amendment, the ecclesiastical tribunals were to be at liberty to pass ecclesiastical censures upon those who contracted the very marriages which the Legislature pronounced to be legal. Now, the ecclesiastical courts of this country did not stand so very high in public estimation at the present moment, that it was expedient to give them the *coup de grace* by putting them in direct opposition to the civil authority. What had the ecclesiastical courts to do with marriage? The reason was, that ecclesiastics formerly claimed a jurisdiction in regard to marriage because they had treated it as a sacrament; and the House was asked to allow these courts to deal with the subject as if the question were a purely ecclesiastical one. The ecclesiastical courts claimed to exercise jurisdiction in regard to the restitution of conjugal rights "for the safety of the soul;" but he believed that such suits were instituted for something else very different. If the Bill were bad, let the House throw it out; but if they determined to pass it, as he trusted they would, believing that it would work great good, let them not neutralise its effects, and involve their legislation in inconsistencies.

Mr. OSWALD wished to obtain some information as to the effect of this Amendment with regard to the Church of Scotland. There were no ecclesiastical courts in Scotland, but there were church courts belonging both to the Established Church and the Free Church. The first part of this Amendment would allow the church courts of Scotland to say that a person who had contracted these marriages had rendered himself subject to their censure; and he wished to know whether the Bill would give to the Scottish Churches the power of maintaining that discipline which was absolutely indispensable to every church, if it were to continue a living body with the power of putting its belief into action.

Mr. P. WOOD regarded the Amendment as calculated to prevent rather than to provoke a collision between the ecclesiastical and civil courts. He, for one, was anxious to see the ecclesiastical courts liberated from many subjects that now occupied their attention, and he thought he had reason to complain of Her Majesty's Government for not having introduced a Bill to reform those courts. It was stated that such a measure was about to be brought forward, but the Session had well nigh passed, and no step had yet been taken to redeem the promise made by the Government. In the mean time he thought the House ought to leave the ecclesiastical courts to deal with these marriages according to their own principles and doctrines, and the Amendment of the hon. and learned Member for Plymouth would have that effect. He was anxious to see an alteration in the mode of proceeding in ecclesiastical courts, which he admitted was not satisfactory, and he should be glad when the promised Bill was introduced to reform the state of the ecclesiastical law, both temporal and spiritual.

Mr. J. S. WORTLEY said, that his intention was to preserve in the fullest degree the discipline of the Church of Scotland.

Mr. LAW said, it would appear, then, that the Church of Scotland would have the power to censure its members for having contracted these marriages. Would his right hon. and learned Friend extend that power to the Church of England?

Mr. J. S. WORTLEY explained that with the exception of suits in the ecclesiastical court, which were excepted by the Amendment before the House, the power of censure now held by the Church of England, as well as of Scotland, would not be interfered with.

Mr. ROUNDELL PALMER declared his entire dissent from the statement just made by the right hon. and learned Gentleman.

Question put, "That the proposed words be there inserted."

The Committee divided:—Ayes 103; Noes 145: Majority 42.

Clause agreed to; as were also Clauses 4 and 5.

Clause 6.

Colonel CHATTERTON said: Sir, having given notice of my intention to move the insertion of a clause in the Marriage Bill of the right hon. and learned Gentleman the Member for Buteshire, I must of necessity claim the indulgence of the House. Perhaps, Sir, it may not be expected that I should take any part in this debate; but as I know of no reason why a soldier should not be interested in a matter of a religious character, I venture, as such, to offer my decided objection to the concession now sought for. I am unwilling that this Bill should pass for one or two reasons, which I shall briefly state to the House. When I acknowledge I am predisposed to receive with favour and with confidence every sound argument against legalising those impure marriages which the Divine law has ever pronounced incestuous, I only acknowledge the force of that Christian education which has taught us all to view with repugnance even the idea of marriage within the prohibited degrees. Before the Catholic Church in England rescued herself from the usurpation, and reformed herself from the innovations of Romanism, the marriages between first and between second cousins was prohibited, and could not be entered into except by dispensation. But by the table of prohibited degrees, published in the year 1563, such marriages were not prohibited; and by this table of kindred which should govern us, the Church has only introduced her authority against those marriages which were contrary to Divine law; and amongst those divinely prohibited marriages is the supposed one of a man with his deceased wife's sister. It may not, Sir, be here either irrelevant or out of place to call to mind the 99th canon, as exhibiting the earnestness of the Church in this matter. By this canon it is ordained—

> "That no person shall marry within the degrees prohibited by the law of God, and expressed in a table set forth by authority in the year of our Lord 1563; and all marriages so made shall be adjudged incestuous and unlawful, and consequently shall be dissolved from the beginning, and the parties so married shall by course of law be separated."

Sir, upon this canon Burn remarks that—

> "Before the statute the 32nd of Henry VIII., other prohibitions than God's law admitted were invented by the Court of Rome. The dispensation thereof they always reserved to themselves."

But be it remembered that the marriage now contemplated, namely, that of a man with his wife's sister, has ever been held by the Catholic Church of all ages as prohibited by Divine law. Sir, I am well aware there unhappily exists, and has existed for a long series of years, much religious controversy upon this subject; for we find the question was agitated nearly 300 years ago, as will be seen by an extract of a letter I hold in my hand from that exemplary and erudite divine, Bishop Jewell (then Bishop of Salisbury), to Archbishop Parker, second Archbishop of Canterbury. This letter, which is dated "Sarum, Calends November, 1561," gives, in my humble judgment, the clearest and most satisfactory view and interpretation of this part of the 18th chapter of Leviticus, so much in disputation. The letter says—

> "Whereas ye desire to understand my poor advice touching certain words in the xviii. Leviticus, by which ye think it lawful for a man to marry successively his own wife's sister, I would rather ye had taken in hand some other matters to defend. I reckon the words of Leviticus whereupon ye ground are these—'Uxorem et sororem suam ad lacessendam eam, ne duces ut retegas turpitudinem ejus illa adhuc vivente.' There are no express words in the Levitical law, whereby I am prohibited to marry my wife's sister; *ergo*, by the Levitical law such marriage is to be accounted lawful; for, notwithstanding the statute in that case makes no relation unto the 18th chapter of Leviticus as unto a place wherein the degrees of consanguinity and affinity are touched more at large, yet you must remember that certain degrees are there left out, untouched, within which, nevertheless, it was never thought lawful for man to marry. For example, there is nothing provided there by express words that a man may marry his own grandmother, or his grandfather's second wife, or the wife of his uncle by his mother's side—no, nor is there any express prohibition in all this chapter but that any of these may join together in lawful marriage. Wherefore we must needs think that God hath in this chapter especially and namely forbidden certain degrees, not as leaving all marriages lawful which he has not expressly forbidden, but that thereby, as by infallible precedents, we might be able to rule the rest; as when God saith no man shall marry his mother, we understand that under the name of mother is contained both the grandmother and the grandfather's wife, and that such marriages are forbidden; and when God commands that no man shall marry the wife of his uncle by his father's side, we doubt not but in the same is included the wife of the uncle by the mother's side. Thus you see God himself would leave us to expound one degree by another; so likewise in this case, albeit I be not forbidden by plain words to marry my wife's sister, yet I am forbidden by other words which, by exposition, are plain enough; for when God commands me I shall not marry my brother's wife, it follows directly by the same that he forbids to marry my wife's sister, for between one man and two sisters, and one woman and two brothers, is like analogy or proportion, which in my judgment in this case, and other such like, ought to be taken for a rule."

In this religious view of the case, Sir, I offer my opposition, not from my own weak and erring judgment, nor from my private judgment of Holy Writ, but as instructed by that teacher of righteousness, the witness and interpreter of Holy Scripture, the Church of Christ. These sentiments of a religious character, brief, cursory, and feeble, as may have been their expression, are, however, sufficiently cogent with me, as a Churchman, to give my emphatic denial to the Bill now before the House. I must leave the theological and controversial defence of the teaching of the Church to those whom the Church has ordained, as for other more sacred and mysterious duties, so likewise for this important work, a work in the present day requiring much learning and great self-denial, I mean the duty which ordination imposes upon every priest of the Established Church, "to be ever ready to banish and drive away all erroneous and strange doctrines, contrary to God's word." I must also beg, Sir, to oppose this measure upon social grounds. It is really painful to contemplate the effect even the agitation of the question has upon social life. The manifest tendency of the concession sought for must be to introduce jealousy, estrangement, and suspicion into married life; for can any one suppose that under this Bill the same pure brotherly intercourse which has hitherto prevailed, and I trust ever will prevail, between a man and his sister-in-law could possibly exist? The very possibility of their future marriage would totally prevent any more confidential or affectionate intimacy between a man and his wife's sister, than might exist between him and any other woman not at all related to him. I confess, Sir, I cannot see the necessity of this Bill. I can answer for my own countrymen, my Protestant and Roman Catholic brethren, that the principles of both the measures you propose will never be acted upon by them; nor can I see how any faithful son of the English Church can set at nought her plain and unqualified condemnation of these marriages; and upon this point it greatly gratifies me to quote the excellent authority of the right hon. and learned Gentleman the Member for Dungarvon, whose brilliant and persuasive eloquence on this subject so charmed the House, and to which I also beg to pay my humble tribute of admiration. Being anxious to strengthen my case as regards Ireland, the House will, I trust, permit me to read an extract from a letter I have lately received from a most worthy and learned divine, a dignitary of the Established Church in the south of Ireland. He says—

> "I am obliged by your sending me Mr. Wortley's Bill, a measure which, I trust, for the welfare and happiness of the women of these kingdoms, will never pass into a law; such connexions in this country are held in universal and just abhorrence. The feelings of the Roman Catholic laity and clergy are even more strong against it than those of our own people; the Presbyterians of course share in the dislike of the Scotch Church to such marriages. Some time since I made inquiry throughout this country, and ascertained beyond a doubt, that such marriages are scarcely ever heard of, and the conviction that legalising such connexions would be destructive to morality and the best interests of society."

Sir, it would gratify me much by the permission of the House to read an extract from a most respectable Dublin paper, the *Mail*, on the wretched consequences of this proposed Bill:—

> "Some of the London morning journals have inserted, and continue to publish, a disgusting advertisement, purporting to be the substance of an unanimous resolution passed at a congregational meeting of Dissenting ministers, who pronounce in favour of the marriage of a widower with his deceased wife's sister or niece. What sort of ministers they pretend to be who thus declare themselves opposed to the salutary restraints by which religion and long-hallowed custom have fenced about the character of the domestic hearth, we cannot tell. Perchance, they may 'dissent' from the moral law of the Gospel, and incline towards the Turkish system, which goes even farther than they at present see any necessity for going, and sanctions the intermarriage of brothers and sisters. In some Roman Catholic countries, it is not an uncommon thing for a man to marry his own niece, his brother's or sister's child; and we recollect what a sentiment of abhorrence was raised against Dom Miguel for proposing such a connexion with the present Queen of Portugal. But without going at large into the question, we may refer to one or two incidents, showing the disastrous tendency of the bare agitation of such a subject. A man was lately committed to prison in Lancaster on the charge of murdering his wife, his accomplice being her sister, with whom he had been living in a state of criminal intimacy, and their object was to remove the only obstacle to their being legally united in matrimony according to the measure introduced into Parliament by the hon. Mr. Stuart Wortley. Still more lately, in the county of Norfolk, a similar incident occurred. Elias Lucas, charged with the murder of his wife, was brought to trial on the 25th of March last at Cambridge; there stood beside him in the same dock Maria Reeder, his wife's sister, charged with aiding and abetting the murder. It appeared that the sister Maria had come to reside with the unfortunate couple some weeks before the fatal event. It was at or about this time that the illicit passion which engendered the murder arose, or at least manifested itself clearly. They were both found guilty of administering arsenic, and now lie under sentence of death."

The unfortunate guilty pair have since been executed.

> "A recent trial in Tipperary illustrates the practical tendency of such a change as Mr. Wortley's Bill would introduce. A Dr. Langley was tried for the murder of his wife and acquitted. The verdict was a just one we admit; but it was fully proved that the prisoner, after living for many years in terms of unbroken affection with his wife, had latterly adopted a course of brutal unmanly treatment towards her, which embittered at least, if it did not shorten her days; and what was the origin of such a sudden change of conduct? It is fully detailed in a letter written by himself, and read at the trial. He conceived an unhappy passion for his wife's niece, to whom no doubt he expected to be joined in matrimony, as soon as the complaisance of the Legislature would sanction such a marriage; and from the moment that thought found harbour in his breast he began to hate his wife. His words are very remarkable, and worthy of consideration—'My aversion to my poor and unfortunate Ellen has now become unconquerable.' How many uncles and brothers-in-law would transfer their affections in a similar manner if the law should open the way towards the gratification of their illicit fancies? This case of Dr. Langley's should not be lost sight of by the defenders of Christian morality in Parliament when Mr. Wortley's Bill comes again to be considered."

But I greatly fear I have quite exhausted the patience of the House; and, thanking them very sincerely for the hearing they have honoured me with, I would, in conclusion, give my opinion that the only persons of Her Majesty's subjects who appear anxious for this miserable privilege are those of the manufacturing class who are Dissenters. If it be deemed right, if it be deemed politic or advisable, grant the concession to such persons, and when they accept it, we shall learn how much a tender conscience can bear. But let us, as Churchmen, remember that these marriages of a man with his deceased wife's sister or niece are forbidden by divine command as incestuous and unlawful, as the Church testifies and teaches; and let it ever be borne in mind that what God has forbidden, no human enactment, no human authority, can ever render either safe or lawful. Anxious, Sir, to rescue my country from that discredit which in my mind will encircle England should this Bill pass into a law, and following the example of my right hon. Friend the Member for Perth, who wishes to throw the same halo round his country, I beg to move that the provisions of this Act do not pass into a law in Ireland.

Clause (Provided always, and be it Enacted, That nothing in this Act contained shall extend, or be construed to extend, to Ireland) brought up, and read 1°.

Mr. FARRER moved that the Chairman report progress, and ask leave to sit again. Having been listening attentively for some time, he must declare he could not hear one syllable that had fallen from the hon. and gallant Officer. To-morrow morning, perhaps, when the newspapers were published, he would have it in his power to form an idea of what the hon. and gallant Officer had said; but now he was utterly ignorant of what it was all about. It was now just twelve o'clock of the first night of their sitting in the New House of Commons. They were without any ventilation, and with works going on outside, he was sorry to say, with a very pestiferous smell. Hon. Members would have to pass by these works to get to their homes, and the best thing the House could do was to support his Motion, and all go home to bed.

Colonel SIBTHORP supported the Motion for adjournment. In the progress of the Museum and Libraries Bill he could not tell what hon. Members were saying, and it was almost impossible to find out what they were dividing about. The sooner they got out of that unwholesome place the better, and in the morning they could form an opinion of what had been said in argument.

Mr. J. S. WORTLEY appealed to the House not to yield to any Motion for adjourning so important a question. As to the arguments of the hon. and gallant Officer the Member for the city of Cork, they might apply to the principle of the Bill, which had been confirmed by the House, but did not make out any peculiar case for the exemption of Ireland. Don't let the House be guilty of the absurdity of enacting one law for Ireland, and another for England. The principle of the Bill had received the support of the present Archbishop of Dublin and of the late Dr. Dickenson, the excellent Bishop of Meath. The opponents of the Bill said it was a woman's question; but one of the most distinguished Irishwomen, Miss Edgeworth, stated that her father had married two sisters, and that the marriages had been productive of the greatest domestic happiness.

Mr. F. MAULE observed, that all the persons quoted by the right hon. and learned Member were Protestants, but he had not referred to the fact that the Bill was repugnant to the Roman Catholics, almost universally. Although he differed from them vitally in many opinions, he thought they were entitled to the same justice that he wished to see meted to himself. He would vote for the Amendment of the hon. and gallant Member for the city of Cork.

Mr. NAPIER could affirm of the Protestants of Ireland, that their feeling against the Bill was just as unanimous as among the Roman Catholics. He was confident no question could be selected on which the opinions of all religious persuasions in Ireland were more determined and unanimous. It was said the Archbishop of Dublin was in favour of this Bill, but he was not an Irishman; and, even if he were, the opinion of one archbishop was not to decide the opinion of the whole population. He considered the Bill as destructive to the happiness of families, and as, therefore, he would vote against it on every opportunity, he should support the Motion.

Colonel THOMPSON had always understood, not that the manufacturing population were the prompters of this demand, but that the middle classes were charged with getting up a stormy agitation for it. He therefore protested against the terms that had been used in the debate as to the former. He felt strong doubts as to Scotch and Irish unanimity. On a previous occasion it had been urged on the House that the feeling of Scotland was unanimous, but the newspapers showed that at that very time Scotchmen were breaking one another's heads in Edinburgh in public meetings on the subject. Scotch unanimity would become a proverb.

Mr. F. MAULE said, the feeling in Scotland was unanimous until it was stirred up by a paid agitator. That person had been amongst his (Mr. F. Maule's) constituents, and endeavoured to get up a petition; but when he attempted to hold a public meeting in the large and populous city of Perth, he could not find one respectable man to take the chair.

Mr. SADLEIR said, the right hon. and learned Gentleman the Member for Buteshire had adverted to the fact of an English Archbishop of Dublin being in favour of this Bill; but he kept out of view the circumstance that Ireland was in a great measure a Catholic country, regarding matrimony as a sacrament, and believing that marriages such as this Bill proposed to legalise were contrary to law, so long as they were solemnised without that dispensation which the Catholic Church had power to grant. Let the House remember, that upon no one subject had the legislation of the Imperial Parliament been more unfortunate in Ireland than on that of marriage. A large and influential portion of the people were Presbyterians, and they viewed with abhorrence the object and policy of this Bill. A case of such a marriage as this Bill would legalise, was upon one occasion brought before the Synod of Ulster, and they determined that the parties should not communicate until a separation had taken place. The evidence in the report as to the Presbyterians being favourable to these marriages, consisted of the statements of an individual who in Scotland was known as Duncan Chisholm, of Inverness, but who in Ireland stated himself to be an Irishman of the name of George Matthews. He also represented himself as a member of the Presbyterian Church, but those statements were untrue. He had received numberless communications from members of the Presbyterian Church, expressing their disgust and indignation at the evidence of that man, and expressing also their astonishment at the Commissioners, if they were anxious for truth and information, not taking some steps to know the real opinion of the Presbyterian body upon the subject. They had not either examined any dignitary of the Catholic Church in Ireland upon it; and he could not make up his mind whether even the people in England were anxious for this Bill to pass or not. Parliament ought not to seek to force upon a people a law abhorrent to their social feelings and their religious convictions.

The O'GORMAN MAHON protested against the accuracy of the statements made by the hon. Members for Dublin University and Carlow. The former Gentleman had made an allusion to the Archbishop of Dublin; surely, it was proper enough that the English Church in Ireland should be presided over by an Englishman, As for the Catholics, their Church recognised the principle of these marriages, retaining to this hour the right of dispensation. Parliament should not place itself in antagonism with 7,000,000 of people in Ireland.

Mr. MONSELL maintained that all classes in Ireland, the Roman Catholics, the Presbyterians, and the Established Church, were almost unanimously opposed to the Bill. The promoters of the measure, with burning zeal and ample pecuniary means, had not been able to get signatures to petitions in favour of it in Ireland. The people of Scotland were also opposed to it, and a very large proportion of the people of England. Why not respect the moral and religious feeling of the people of Ireland upon this subject?

Colonel THOMPSON felt constrained to ask whether it was possible to suppose that the 7,000,000 of Irish Catholics believed their Church to be in the habit of granting dispensations for incest, or for anything abhorrent to general morals and the good of society? What the Roman Catholic Church avowedly admitted under conditions, Irish Catholics must of necessity view as, at all events, one upon which human wisdom and legislative decision had a right to be heard.

Mr. C. ANSTEY protested against the hon. and learned Member for the University of Dublin speaking in the name of the Roman Catholics of Ireland — a superstitious and idolatrous body, with which he could have no connexion whatever.

MR. NAPIER said, he had many Roman Catholics amongst his conscientious supporters, and by these he had been requested to oppose the Bill.

MR. M'GREGOR insisted that the religious sentiment, as well as the domestic sentiment of the people of Scotland, was opposed to the measure.

MR. SADLEIR said, that the Roman Catholics held these marriages unlawful unless sanctioned by dispensation, which, in Ireland was never granted, except under very peculiar and pressing circumstances.

COLONEL RAWDON thought it would be improper to except Ireland from the operation of a law which was to be applied to England and Scotland.

VISCOUNT CASTLEREAGH declared that the strongest feeling prevailed against the Bill amongst all classes in the part of Ireland with which he was connected, whether Presbyterians, Roman Catholics, or members of the Established Church.

MR. FARRER said, his reason for proposing the adjournment of the debate was, that, under existing circumstances, members had not been able to hear accurately what had been said in the course of the discussion; but as the feeling of the House seemed to be opposed to his proposition, he would withdraw it.

Motion made, and Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 114; Noes 132: Majority 18.

House resumed.

Bill reported; as amended, to be considered To-morrow.

The House adjourned, at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 14, 1850.

MINUTES.] PUBLIC BILLS.—2ª Public Houses (Scotland).

Reported.—Distress for Rent (Ireland); Incumbered Estates (Ireland) Act Amendment; Sheriff of Westmoreland Appointment; Judgments (Ireland).

CHANCERY COURT OF APPEAL BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM: * I am now to solicit the attention of your Lordships while, according to my notice, I state the reasons which induce me to postpone the further proceeding with this Bill. I introduced it first in 1833, while a Minister of the Crown, and with the entire concurrence of my Colleagues. But I then stated that we were fully aware of the great difficulties which surrounded the measure, that we by no means pledged ourselves to abide by it after fuller consideration should be given by Parliament and by the legal profession, that we presented it as the result of the attention which we had been able to bestow upon the very difficult subject, and that we desired to have it stand over for more deliberate discussion during the approaching vacation, The other Bill which we presented in the following year contained new provisions; but the measure of 1833 is the one which I lately reintroduced, and which now stands for a second reading.

It was a deep sense of the existing evils, and a conviction that some remedy ought if possible to be applied, that influenced the Government of 1833 in bringing the subject before Parliament; and when the retirement of the Chancellor and the appointment of Commissioners to hold the Great Seal, seemed to give a favourable occasion for again considering this important matter, I was naturally led to press it upon the attention of the Government, in the hope that some arrangement might be made for meeting the great exigency of the case. This led to my reintroducing the Bill of 1833. I must now ask your attention to this subject—if it be possible, your patient attention. For I am well aware that it is none of the most attractive, although it is one of the most important. It is surrounded by none of the flowers which recommend other questions to the sense of public assemblies; it is unconnected with personal matter, unmixed with party topics, unadorned by amusing details —in a word, it is of a dry, of a forbidding, even of a repulsive aspect. It is only of vast importance to the country and to the constitution. It is one of those questions, therefore, which being of all others the most important, are exactly those, according to a well known pleasantry of Mr. Canning, which nobody at all ever cares anything at all about. As, therefore, I have nothing to recommend my subject but its intrinsic value, stripped of all outward charms, I have but a moderate chance of engaging your attention to its details. Nevertheless, it is my duty to explain those details; because at the present moment the greatest ignorance of them prevails both out of doors and within. The subject is known only to professional men; others are wholly unacquainted with it. Such of my noble Friends opposite, and such of the House at large as may honour me with their attention, will very soon perceive both the importance of the question, and the difficulties that encumber it; both the reasons for applying a remedy, and the obstacles in the way of its application.

The complaint is not of yesterday that the Lord Chancellor has more duties cast upon him than can be satisfactorily performed by a single individual. As long ago as the days of the Bacons and the Cokes, the same grievance was complained of, and loudly. Early in the seventeenth century, Lord Coke said that there was more for the Chancellor to do than could be got through satisfactorily by him and the Master of the Rolls, his helpmate. He spoke from observation; and Lord Bacon, speaking from experience, gave the same opinion. Yet in those days the claims upon that great officer's time, his industry, his ability, were not a fifth part equal to their present amount. First of all he presides nearly ten months in the year, and presides sole Judge, in the Court of Chancery; next he presides in the House of Lords as Speaker, in which capacity he is chief Judge of all appeals from England, Scotland, and Ireland—and I may observe in passing that the weight of the Scotch and Irish Appeals has been cast into the scale since the days of Lord Coke; then he is a Minister of the Crown, a Member of the Cabinet, with great authority and influence among his Colleagues, who accordingly expect, and justly expect, that he should with them give his best attention to the arduous concerns of the realm; again, he is the Minister of Justice, whose high office it is to select the persons fit for the Bench, and for whose learning, capacity, and integrity as Judges he is solely responsible. But further, upon all matters connected with criminal and civil jurisprudence he has to counsel the Sovereign, for it is to him that on all such questions the Crown and the Cabinet looks. Lastly, as by a strange anomaly, this highest of the Judges, but that he exercises himself no criminal jurisdiction, is removable at pleasure, and as a member of a political party, the party in power for the time being, he must bear his share, and an ample one it is sure to be, in the contentious and not seldom fatiguing debates of this House.

Such are the various and heavy duties of the Great Seal; and hence the wonder is not great that working under the pressure of such a load, few Chancellors are equal to cope with the business of their courts and to keep down the arrears whether of Chancery or of the Lords. When I took the Great Seal in November, 1830, I found above 150 appeals that stood for hearing, with a heavy arrear, I believe of near 100 causes, in this House. By great exertions on my own part and on that of the Bar this heavy arrear was got rid of; 147 Appeals having been heard and determined in Chancery, besides other business to a great amount, and above 80 causes in the Lords. But not only had I to sit early and late, sometimes till past midnight, during those eleven months; from the controversy on the Reform Bill this House sat till the middle of October, and hence, after the Court of Chancery had adjourned for want of fresh business, I could sit for six weeks or more to hear causes in this House—I remember coming down at twelve o'clock on the 12th of October, having only left the woolsack at seven that morning, when the five days' debate closed on the Reform Bill. It is true that we thus overcome the arrear, and I was enabled to keep it down during the four years I held the Great Seal; but it is no less true that exertions like these cannot be often made either by the Bench or the Bar—they cannot be undergone twice by the same individual—and no individual expects to be called on to make them once. My noble and learned Friend (Lord Cottenham), not now present, ascribed my bad health in 1836, which prevented me from attending the service of the House, to these labours; but this was a mistake. I felt fatigued during the winter of 1831–2; but in 1833–4 I had completely recovered. However, the case is quite strong enough in its true colours and just proportions, and needs no exaggeration to prove how grievous a load the Great Seal lays on the shoulders of him who undertakes to hold it. The general impression on men's minds is, that something must if possible be done for his relief. But then arises the question—what is that something? How are you to apply a remedy which will be both effectual and safe—will relieve the grievous pressure, without occasioning other evils yet more serious?

Having stated the mischiefs complained of, I am now bound to state the difficulties we have to grapple with in remedying it—difficulties which form my reasons for asking your Lordships to postpone the Bill on your table—difficulties which I shall do a good service to the State, by describing them in connection with the proposed remedies, not as believing them to be insurmountable, but as convinced that they must receive a calm and deliberate consideration from well-informed men, before any plan can be safely adopted for meeting the evil, whose existence and magnitude all confess.

The first expedient that presents itself, and which is supposed to be so easy as to be deemed quite a matter of course, is the division of the Chancellor's office into two—separating his purely judicial duties from his functions partly judicial, partly political, depriving him of his place in the Court of Chancery, confining him to his seat on the woolsack, and his duties as Minister of Justice. As the bulk of his labours are those in Chancery, and the arrear chiefly arises there, nothing can be more natural than this suggestion. As he is a sole Judge in Chancery, and therefore should be irremovable like all other Judges, nothing can be more plausible than the plan of a permanent Chief Judge in Equity, while the Speaker and the Minister, and the President of the Judicial Committee, continue removable—I say nothing of the anomaly of having a Chancellor minus the Court of Chancery—a Chancellor to sit every where but in his own Court—a Chancellor admitted to judge in the Lords and in the Privy Council, but expelled from the Court of Chancery—for all this I should not value at a rush, were there not more substantial difficulties in my way. But such unhappily there are, well known to Chancery men, easily apprehended by all the profession, and which I hope to make also comprehensible by your Lordships. There must be an appeal within the Court of Chancery. At present the appeal is from the Rolls and from the Vice-Chancellors to the Chancellor; from him to this House. I say an appeal from these Equity Judges there must be. No one can have a greater respect than I have, in common with all the profession, for the Master of the Rolls—his great learning and long experience—for the profound knowledge and practical ability of the Vice-Chancellor of England—for the talents, assiduity, and learning of the Vice-Chancellors Knight Bruce and Wigram—and the integrity of all these eminent Judges stands wholly unimpeached and unsuspected. But no Judge, whatever be his accomplishments or his industry, can be safely trusted without the control of superintendence, to stimulate if tardy, to curb if hasty, to correct if mistaken. An appeal then there must be, were it only that each may sit and judge with the knowledge that his decisions are subject to review elsewhere. Nor can this appeal be to your Lordships' House direct, because many causes will not bear the labour, the expense, and the delay of this resort to the highest Court. Then motions often raise most important questions, and interlocutory orders made upon motions, regulate the course, and may determine the fate of the most important causes. Yet, though by law an appeal lies to this House on every interlocutory order, as well as final decree, I have hardly the recollection of above one or two motions, brought here by appeal in the last 30 years. Numberless motions are constantly disposed of with great forensic contention by the four inferior Judges in Equity, often being on mere points of practice, but important points, as I have shown. It is necessary that there should be a superintending power over the Judges who deal with and decide upon them. Hitherto appeal motions have come before the Great Officer at the head of the Law, first of all Judges, as well as first of Equity Judges, and clothed with the respect which distinguished eminence in various kinds is fitted to command. Such an appeal involves no inconsistency or absurdity—it is not from a Judge to his equal or co-ordinate, but to his superior. From one Vice-Chancellor to another—every one at once perceives an appeal would be preposterous: still more from the Master of the Rolls to a Vice-Chancellor. Then so would an appeal be from the Judges to the new Chief Judge in Equity, whom it is proposed to create; for it is quite manifest that this new Judge will be only a kind of Vice-Chancellor—a Vice-Chancellor whose higher salary will not more than make up for his lower antiquity. Nay, certainly, he will stand in lesser estimation than an ancient officer who sits at the Rolls.

To meet this obvious difficulty, it has been proposed to have the Court of Appeal in Chancery composed in each case of three Judges, from whose decisions the appeal does not come, preserving the analogy of the Common Law, which gives to the Judges of the two Courts jurisdiction in writs of error from the third; so that the Common Pleas and Exchequer decide in error from the King's Bench, and the King's Bench and Common Pleas in error from the Exchequer. But then see the other difficulty to which this apparently plausible scheme leads. The experience of the last five-and-thirty years shows that there are always appeals in Chancery fully to occupy one Court. Since the Vice-Chancellor was created in 1813, as Sir Samuel Romilly foretold, the Chancellor became a mere Judge of Appeal. I had full experience of this in the four years of my office—exactly four years—for I took the Great Seal on the 22nd of November, 1830, and quitted it November 22nd, 1834. I heard no more than some eleven or twelve original causes, the rest were appeals. Many motions I heard no doubt, but chiefly appeal motions. There is, therefore, quite appeal business enough for one Court, especially since the creation of two new Vice-Chancellors. Thus the new Chief, sitting with two or three of the inferior Judges, would form a Court of Appeal all the year round; or, in other words, all the Courts but one would be closed against original causes; and the Great Seal would be permanently in Commission —an arrangement which would at once create an arrear far greater than ever enencumbered the Court in the worst of times.

This difficulty throws us back on the House of Lords; but no prospect of relief from its appellate jurisdiction can be afforded, even if expense were out of the question, because the Appeal Court must be constantly sitting, at least for motions, and your Lordships only sit half the year. It has indeed sometimes been proposed to sit for judicial business during the Parliamentary vacation. But to this there are the greatest objections. If the House is sitting at all, though only for causes, how can you prevent any person having privilege of Peerage from interfering with questions and motions upon seeing the Chancellor in his place? And if a statutory prohibition of all business, except judicial, is enacted, it is plain that a very awkward division is, for the first time, made of the House's functions, and it can hardly any more be said, either that the Lords are Judges indiscriminately, or that an Appeal lies in Parliament. An arrangement of this kind seems very much akin to a transition from our present constitution to a new and untried one; if it be not in itself an abdication of our judicial functions. However, I would by no means be understood to give a final and positive opinion, even on this part of the question. I avoid above all things speaking dogmatically. It is my purpose to express the difficulty, and suggest the doubts which experience and reflection have pointed out to myself and others. My noble and learned Friend (Lord Lyndhurst) now absent from, I rejoice in common with your Lordships to think, a temporary indisposition, has fully gone into all these questions with me; and our last conference upon them was aided by a most learned and able Common Law Judge, who had formerly exercised equitable jurisdiction. We felt the pressure of the difficulty; we did not wholly despair of being able, by apt provisions, to overcome it; we were only quite assured of one thing, that further inquiry and fuller discussion were absolutely necessary before a plan could safely, or, in any manner of way, usefully be framed and adopted.

But suppose this difficulty overcome, and by a satisfactory arrangement: I proceed now to one of a more general nature, and the extent of which, in all its relations, has formed the chief cause of postponing further proceedings for the present. The question which now occupies us is of a general nature, affecting not only the whole equitable jurisdiction, but the whole judicial system, the whole law, and the constitution itself of our mixed Government.

First, to sustain our judicial system, and to secure the due administration of justice, it is necessary that great powers, great learning, capacity and integrity on the Bench, should be met by eminent talents and accomplishments at the Bar. If the judge is the dispenser of justice, the advocate is its minister. And from among the practitioners at the Bar must the Judges themselves be selected. Now, if anything is more clear in our system than another, it is this — that the character of the profession at large is bound up with the dignity of the Great Seal, its powers, its privileges, its splendour—but, above all, the high character, the professional eminence, the transcendent qualities of him who holds it. If you do anything to lower that dignity, to obscure that lustre, you remove from the eye of the profession the great prize, the sight of which in prospect, remote and precarious though it be, quickens and invigorates every man who wears the advocate's robe — every one who toils in the humble walk of the profession, the special pleader, the equity draftsman, the students who labour at their desks, the youths not yet admitted to share that toil; you veil from their eyes that lofty and dazzling summit, the view of which sweetens their daily and nightly toil, consoling them under all privations, cheering them in the disappointments to which our profession is peculiarly exposed. No longer do those laborious and deserving men proudly exult in feeling that they belong to a body from whom must be chosen, not only the ordinary Judges, but the supreme of all, the Lord High Chancellor, endowed with title, fortified with power, exalted by rank, strengthened with emolument, "by merit raised to that good eminence," because called to the discharge of duties which only the able and the learned can perform. The character of the profession is lowered with that of its chief; the body from which all the other Judges are chosen is deteriorated in quality; these Judges are lessened in estimation with the exalted functionary who stands at their head, whose fiat planted them on the bench, and whose name protects and sustains them. These Judges shine much by their own lustre, but much also by the splendour of their great chief, which they share while they reflect. It is a vain and empty error which they commit who talk of the useless splendour and expensive dignity of the Great Seal. I am here using no romantic fanciful language, when I describe the vast practical importance of its being clothed with the utmost splendour which exalted station and eminent merit can invest it withal. It is a matter of constant and actual experience that the whole profession of the law, as well Bench as Bar, is affected by the splendour and qualifications of its chief. But then both must combine, both personal merit and political attributes; individual eminence and official supremacy. It may be hoped, that by retaining great income, high station and ample power, the office of Chancellor, though stript of its judicial functions, will still hold out a dazzling prize to the legal body. That is not sufficient; if it no longer is held by truly worthy men, if it is either bestowed upon party zeal and subserviency, or upon mediocrity favoured by personal connexion with the distributors of favour—the name may remain—the substance is gone. The Great Seal may glitter, but it becomes a bauble. That which men revered, because a Bacon, a Nottingham, a Hardwick, an Eldon, had once held it, they will no longer observe with respect in the hands of a race, successors of Shaftesbury. They had been wont to fix their eyes on the great men themselves, at least as much as on their names and their robes. They will turn away from the externals of the office when no longer sustained by internal merit and enduring renown.

This it is that makes me hesitate to sever the Lord Chancellor from his proper functions and expel him from Chancery. I can no longer see any security against party zeal, or favoured mediocrity clutching the Great Seal. While no one can hold it without sitting continually in open court, alone and unassisted, to answer whatever motion may be made, often without the security of having both parties before him, in the face of an able, astute, jealous Bar, without time for consultation, without the possibility of applying in any quarter for help; while he must in like manner, though less suddenly, dispose alone of the most difficult cases, whether original causes or appeals; we have a reasonable security against any one venturing to seize the great prize by climbing to this perilous height, if he feels that he is likely to expose his incapacity, and be tumbled headlong by public scorn; but we have a perfect security against any Government consenting to elevate such an one, though his own blind presumption should tempt him to run the risk. Hitherto we have never seen any such promotion of known incapacity, and very rarely indeed, perhaps not above once in a couple of centuries, mediocrity, whether personal or professional, thrust into the place consecrated to eminent merit. But how will it be with the place of Chancellor stripped of equitable jurisdiction? I see nothing so very appalling in the Speakership of this House as would necessarily deter ambitious mediocrity from climbing or crawling to the woolsack. Different, far different from the functions I have feebly pourtrayed—functions that may stagger the boldest aspirants to office—are the judicial duties that devolve upon your President. He can never by any possibility have to dispose of any matter which has not been long before him, and with full materials for deciding it. Every cause has been printed in all its details, with all the arguments of counsel on either side, the cases relied on, and the opinions and reasonings of the Judges who have decided in the court below. All this has been in his hands for many weeks, generally many months. And in any case of the least difficulty he may have the assistance of the Common Law Judges (it is now proposed to give him also the aid of the Equity Judges) who not only fully inform him, but relieve him from the whole responsibility of the ultimate decision. It plainly requires very little of the courage which vaulting ambition is proverbially endued withal, to covet so safe an elevation—a position as little attended with hazard as it is greatly clothed with powerful attractions; it requires also but little firmness of purpose in a Minister thus to elevate his adherent, at once repaying servility with promotion, and securing the advantages of patronage for his other tools.

But the Chancellor is, by Lord Lyndhurst's judicious suggestion, *ex officio* to preside in the Judicial Committee of the Privy Council. I can assert that this will make no material difference in the question, and in no degree get rid of the difficulty which meets us in such formidable shape. By the rule which I originally laid down, when I founded that most important and useful Court, the course pursued is this: the four Judges take the causes in rotation, turn and turn about. All four thus work equally; for each assists, to the best of his ability, the one who is in his turn: but each in his turn prepares and gives the judgment which is written, according to a wholesome practice which I introduced also into the Court of Chancery and this House sitting in Appeals. The judgment is then revised by the other three; and so it is, when pronounced, the judgment with the reasons of all four. It needs hardly be observed that this course, though it is highly beneficial to the administration of justice by securing the fullest consideration of each particular in every case, a thing the most essential in a tribunal of the last resort, whose decision can only be altered by an Act of the Legislature, yet is calculated to remove all peculiar weight from the presiding Judge's shoulders, and to leave him with no greater individual responsibility than any one of his brethren. Hence I am, I fear, too well warranted in the apprehension that the newly endowed and commissioned Chancellor will have no material addition made to the difficulties of his position, the responsibility under which he is laid, the anxiety which he may feel on undertaking the office, by his Privy Council duties; and that he is still left in a very different situation in all these material respects from his present position of first Equity Judge presiding in the High Court of Chancery, as well as Chief Judge of Appeal, in this House. I dread the effects of this change, then, in lessening the security both that inferior men will fear to take the Great Seal, and that Ministers will fear so to bestow its great privileges. I look with much anxiety to the probable result that a very different succession of Chancellors will be found to bear the name of the high functionary illustrated by the great men who have presided over the law, aye, and over the Lords—a succession of Chancellors whose principal claim to the remembrance of after ages may be the office they held, peradventure, degraded by coming into comparison with their renowned predecessors.

Aye, and the Lords! For it well becomes you, my Lords, to give this topic your best attention. It is not merely the law and its practitioners that are deeply interested in the question. *Tua res agitur*, I say to this House. Whatever lowers the high judicial officer of whom we are speaking, lowers the Lords' House of Parliament in the most important of all its high functions. Let it not be supposed that I am romancing or declaiming—indulging in fanciful speculations, or in empty or unprofitable talk—when I express my apprehension of anything that can lower your estimation in the country, or your authority in the Constitution as the Supreme Judicature of this realm. On your judicial character mainly rests that estimation and that authority. Strip the House of its judicial attributes, you endanger its very existence. Judicature is to the Lords as important as money to the Commons. Strip either of their peculiar attributes, and the virtue has departed from it. But I protest I rather think the loss of those functions altogether is less to be dreaded than the lowering of the capacity worthily to perform them. If you are converted into an inferior Court of Justice, no longer looked up to with awful reverence, no longer declaring the law of the land with the universal acceptance of the people, you become worse than a blank—you may be a blot on the Constitution—instead of that venerable body, its strength and its ornament, in respect for which I have grown old, and of which I am proud to be a Member.

These considerations it was that induced me, with the concurrence of my Colleagues, to make a material addition in 1834 to the measure of the preceding year. The Chancellor was to be the Chief Judge of Appeal in Chancery, sitting with one other Judge and a Baron of the Exchequer, then a Court of Equity, which it afterwards ceased to be. But there was this unanswerable objection to that arrangement—it got rid of one difficulty in a certain degree, not entirely; it gave the Chancellor more duties to perform, and prevented his entire separation from his proper Court. But then in proportion as it effected this, it lessened the value of the change; for it failed to relieve the Chancellor, whose overburthened state is the very ground of all our attempts to new-model his office. The Court of Appeal in Chancery would have as much labour cast upon it as the single Judge now has cast upon him; and you would thus lessen his industrial responsibility, while you left him with the same amount of labour to undergo. I think, therefore, that the answer to the objections which press us is not to be found in this direction.

All the considerations to which I have adverted, will, I hope, indeed I am sure, meet with the attention their importance so well deserves in the proper quarter, both from your Lordships and from the Government. My noble and most esteemed Friend at the head of the Government has announced elsewhere that the subject now occupies its attention; and the moment for the inquiry is most opportune. The Great Seal is to be put in Commission. This will give ample time fully to discuss all the measures which learned and experienced men can propound for remedying the evils complained of. They are exceedingly ignorant of the subject who object to this Commission, and deprecate it even as a temporary measure—for temporary, of course, it only can be. The judicial force in Chancery is so greatly increased since 1835, when the last Commission continued for nine months, that no material inconvenience can now comparatively be experienced. In fact, the creation of two Vice-Chancellors in 1842 makes a Commission of which two Equity Judges form part, exactly the same thing as the Court of Chancery without any Commission before that year. There are always three Courts of Equity sitting, only instead of one of them being under a single Judge, it is under three. Some practitioners may be injured to the extent of a few hundred pounds, by having, in 1850, only the same number of courts that they had in 1841, and fewer than they had in 1849—that is really the whole difference, and I am sure of that they will never be heard to complain. Compared with their gains in 1841, they have no shortcoming by possibility to lament. Therefore the Commission gives a very favourable opportunity for dealing with this most important subject, and examining it in all its bearings. The great object of our endeavours, the problem in jurisprudence to be solved, is, that the attributes of the Great Seal may be so moulded as to give the requisite relief to the officer who holds it, without lessening his just importance in the law and in the constitution; above all, without lessening our security that he shall be fully adequate to the discharge of his duties, including, among the most essential of these, his functions as Minister of Justice. The difficulties which beset this problem, I have endeavoured to describe; and very far indeed from despairing of success, when time shall have been taken for the investigation, I again express my satisfaction at finding it in the hands of my friends and former colleagues, from whom I expect a diligent care of the matter they have undertaken, but from whom I also exact a very anxious regard to all the difficulties of the question. For what I have shown in detail, though I am far indeed from despairing of success, is abundantly sufficient to warn against every thing like precipitate legislation—that great haste which proverbially is nothing like good speed.

Let the long vacation be taken for reflection, and deliberation, and, above all, due inquiry. Don't fancy you can strike out at a heat plans of judicial improvement, which the most practised lawyers of the largest and most varied experience, find the utmost difficulty in conceiving. Dismiss from your minds the vain notion that the difficulties don't exist which their well-skilled eyes perceive, obstructing each step of their progress; nor imagine that ignorant men, being blind to them, proves them easily overleapt. With the exception of one learned friend of mine, formerly high in office, whom, by a mere accident, I have not been able to consult, I have discussed this subject with all the leading members of the profession, as well as my noble Friend already named, and other Judges. I well remember the phrase of one learned and able person, also once a high officer in the law. "It would be less absurd and less presumptuous to think of extemporising a Reform Bill than a Bill for new modelling the Chancellor's office." It may be said that the Government can throw out a plan, and let it stand over for consideration. But I dread this, because when once committed, a Government finds it difficult to retrace its steps. Take then time; the long vacation approaches; that season is very much fitter for the consideration of such matters than the hurried weeks of an expiring Session—a Session peradventure expiring in the throes of a Government assailed from many quarters. But in the recess, the strife of party has ceased; the noise of debate is still; the contentions of this House are over; the hum of the Commons no more fills the ear. ["Hear, hear!"] I protest, my Lords, that I use the expression without the least disrespect. Nay, that respectable body may well regard it as highly flattering to be compared with the most ingenious and industrious of insects, which never wastes its time in empty noise, but ever perseveres in its work, and allows no minute to pass without storing up the valuable produce of its labours. Drones there will be in the best regulated hive; a wasp or two may find its way into the abode of work and of sweets; but profitable labour undisturbed by strife is the characteristic of that scene—and the word which escaped me betokened not only respect but a disposition to somewhat hyperbolic eulogy. In the recess, then, when all is still in the House, when the business of office is relaxed, the din of the courts, the *strepitus fori* is heard no more, and the agitators of the popular assembly cease to trouble, when their ordinary occupations do not press on Ministers to absorb, or the claims of their suitors to distract their attention, let my noble Friends prosecute their inquiries.

Another reason suggests itself to show that the delay is accompanied with no real loss of time; but I reserve the mention of it until I add a word on what seems to me the proper course of investigation. For I don't wish to deal in generals; I have stated in full detail the difficulty, and I will now suggest what appears to me the fit and the safe way of endeavouring to vanquish it. The course which I shall propose is plain and simple, yet I hesitate to propound it, lest, coming from me, my noble Friends opposite should have jealous scruples about adopting it. However, I will state my proposal. Let a Commission be entrused with the important inquiry—well composed of three, or not more than five competent persons, not being Judges of any court. Let them examine all the heads of the Courts of Equity, both at present presiding there and those retired from the bench, all the Masters in Chancery, the other officers of the Court, the chief practitioners at the Bar, and the respectable Solicitors, a body deserving of all praise from me who know their valuable aid to the cause of law amendment—for they are my useful and disinterested coadjutors. From the examination of all these persons, from discussing with them the various plans propounded, and from receiving their suggestions, I entertain very sanguine hopes that the greatest benefit will result to the question, and that a body of information will be collected, on which the Government may safely proceed to ground their measures. Even if it should—which God forbid!—be found that the evils complained of unhappily admit of no safe and effectual remedy, at least we shall have the satisfaction of reflecting that all means have been fully and honestly tried, and that the causes of our failure have been fully explained. Let then my noble Friends pursue this safe and rational plan, and not be borne away by ignorant clamour, by the impatience of thoughtless and uninformed men, rashly and presumptuously to devise schemes that will not bear the test of examination by a learned and practised eye. To yield to the pressure from without—never a very creditable course—is absolutely fatal on a subject like this, which only experienced men can even pretend to understand.

I have said that the delay will occasion no real loss of time, because of a consideration of which I postponed the mention till I had stated my plan. Even if all were ready before the Session closed, and if a measure had received the sanction of Parliament, ample time must be given for selecting the men to whom you may safely entrust the working of the new scheme. It may be, that the profession does not at present furnish them—above all, the great officer who is to come in the Chancellor's place. But at all events, great deliberation will be required to make the choice. For of this you may be well assured, that suppose two new functionaries are to divide between them the duties of the Great Seal, the success of the plan, aye, the whole success of it, will depend upon the first choice. Men must be pitched upon who unite in their favour, to the greatest degree possible in the present state of the profession, the approving voices of their brethren, and the respect of the country. Woe to the Government, if yielding to the clamours of party zeal or subserviency, or even to the feelings of personal attachment, still more of private connexion, they select for either place, but above all for the highest, any whose known and acknowledged station at the Bar, as testified by the confidence of numerous clients, whose capacity and learning by all confessed, and above everything whose untarnished purity of character are not such as to make every voice join in approval as soon as their names are pronounced. Yes, woe to the Government! but also to the new measure—for assuredly such a choice, be it rash and careless, or be it the dictate of impure motives, will be the utter destruction of the plan. Pressed on all sides by the current of strong prejudices adverse to every change, labouring in the cloud of public suspicion, buffeted by the gales of professional discontent—on the rock of which I have now made bold to warn you, it is absolutely certain to make a total shipwreck.

Before I close my observations, I must advert to one point, which I omitted when speaking of our Appellate Jurisdiction in this place. Friends, in whose judgment I repose much confidence, are anxious that I should broach before your Lordships the notion, once a favourite with Lord Eldon, of giving you in your judicial capacity the aid of a Scotch Judge—whether taken from the Courts of Scotland, or appointed permanently as your assessor on cases from that part of the island. It certainly is an anomaly of our system, that in the great majority of instances those cases are decided by men not of the Scottish Bar. In justice, however, to this House, I must add that some of the most important decisions ever given here were upon points of purely Scotch Law, the law of real property—and reversing the judgments below. One of them was Lord Mansfield's, another Lord Eldon's, the third my own; and it is right to observe that however dissatisfied at first, the Scotch Bar and the Bench ultimately confessed that we were in the right, and had restored the Scotch Law to its real and original position by our reversals. However, I cannot deny that there may be cases in which we, sitting here upon the law of a Foreign country, are apt to hesitate before we reverse, and that sometimes we affirm when we ought not. One instance I know of, where a very large sum was awarded to the wrong party, as I always thought, and as I had distinctly stated the Session before, in contemplation of the pending appeal—awarded differently from what it would have been had I assisted—and awarded (as I told the Scotch Judges afterwards, in discussing the subject), because in my absence my noble Friend, not bred to the Scotch bar, had been too slow to interfere with a decision on a purely Scotch Law point. There is therefore some reason for the complaint. We may say that the Scotch Appellate Jurisdiction works better than might be expected; that the want of aid from Scotland produces less mischief than might be supposed—but this is a moderate justification of the defect. I remember Lord Lyndhurt saying that he found the absurd mode of taking evidence in Chancery practically far less inconvenient than could be expected—the mode of putting questions one after another to a witness in utter ignorance of his answer to the preceding ones. But when I asked if therefore he approved of this absurdity, he only said it got out more of the truth than might be supposed—in other words, that it was not quite as bad as it looked. This is a poor defence or even palliation. But I am ready to admit, as I always was in Lord Eldon's time, that serious objections exist to the appointment of a permanent Scotch Law asessor. One is, that the judgments given by us who are not Scotch lawyers, would always be supposed our assessor's judgments, not our own—an objection to which our consultation of the English Judges is not exposed. However, this, as all other matters, may well be examined by the Commission, which I hope and trust will be issued.

Then the Order of the Day for the second reading was discharged.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Order of the Day for the House to be again in Committee, read.

House in Committee.

Clauses 26 to 29 agreed to.

On Clause 30, which provides for the establishment of a general assembly of the delegates from the different colonies included in the Bill.

LORD STANLEY said: My Lords, this clause involves a principle which, to say the least, requires grave consideration. The noble Earl, as far as I know, as yet, has given no reason for the course to be pursued in this wholly new system of colonial government, and, in the absence of any such reason on the part of Her Majesty's Government, I confess that I am at a loss to understand why so extensive an innovation is to be introduced. It may be certainly true, with regard to the various colonies, that in the great continent of New South Wales and the adjoining island of Van Diemen's Land, as there are with regard to the North American colonies, and also with regard to the West Indian colonies, there are several subjects of common interest, and in which it would be desirable that these colonies should have an opportunity of coming to a common understanding. But, undoubtedly, on the other hand, there will be subjects in which the interests of these different colonies will be widely different and separate, and whose interests the legislative assembly, constituted as the noble Earl now proposes to constitute it, may altogether overbear; and they may have inflicted upon them, thereby, a system wholly discordant from their wishes, and wholly opposed to their interests. I will take the liberty of reminding your Lordships that these colonies, immediately adjoining each other, occupy a territory no less than the whole expanse of Europe, and have districts as widely apart, climates as distinct, products as varied, and employments as different, as in any two countries upon the continent of Europe. Now, my Lords, here we are to have introduced into these colonies a supreme legislative assembly, the limits of whose power cannot be defined by this Bill, but which is to override the separate legislation of all these separate colonies, and that without any application from these colonies for the introduction of such a system. Such a proposal appears to me to be a most rash and perilous innovation in legislation. And, my Lords, the mode in which the experiment is to be carried out, is, I think, not less objectionable than the experiment itself. For it is proposed that when two or more of these colonies, even the most insignificant, shall signify to their Legislative Councils their desire to have a federal assembly constituted, it shall then be lawful for Her Majesty to constitute such federal assembly; and I beg your Lordships to observe that you do not by this alone give power to Her Majesty to establish such a general assembly, but you also usurp the functions of Parliament, as far as the constitutional character of this general assembly is concerned. The Bill provides that the members of the said assembly shall be elected, and all laws to be made and enacted by such general assembly—

> "shall be so made and enacted, and the business thereof conducted in such manner and form, and be subject to such various conditions, as Her Majesty by Order in Council shall direct; and such general assembly shall consist of the Governor General and the House of Delegates; and such House of Delegates shall consist of such members, &c."

The whole constitution, therefore, of this legislative assembly—the whole manner in which it is to be constituted—is not to be settled by Parliament upon a knowledge of the facts, but prospectively to be delegated to the Secretary of State for the Colonial Department for the time being, who shall have absolute authority, by Order in Council, to constitute a most important legislative body in the colonies. Well, but then you say you reserve the power to that legislature, after it has been so constituted, to alter itself. Now, I must say, I think this is a most objectionable mode of proceeding. My Lords, have not some of the colonies protested against it? Have not some of them assured us that such a system would have a most mischievous and dangerous effect? Well, then, you say they are not compelled to agree to it. No, it is true they are not; but you may have three or four of these colonies calling for a federal league, and the necessary consequence will be, that the remaining colonies will find themselves drawn into that league, even against their will, and contrary to their true interests. But you appeal to the practice of the United States as a precedent in this matter. But the constitution of the legislatures of these States is wholly different from that now proposed. The truth is that this is an entirely novel and an untried system of government. Now, I want to know on what principle the delegates to this assembly are to be elected? The Bill declares that each colony shall appoint, in the first place, four delegates, and then for every 20,000 inhabitants there shall be an additional member. Why, my Lords, the consequence of that will be, that the influence and authority of a great colony will be overbalanced by the smaller colonies. For example, the colony of New South Wales will return four representatives in the first place as a separate colony, and in respect of its population of 220,000 it will return eleven; that is to say, fifteen in all. Well, there is another State which has only 20,000, and it, in consequence, will return five representatives. Then suppose there is another colony which has only 20,000 inhabitants—it will return five members also. Thus two colonies with an aggregate population of 40,000 only will return, as nearly as possible, as many representatives as the whole of New South Wales, with a population of 220,000. Now, my Lords, I do not see why such a system has been adopted. But, my Lords, it is not to the details of the plan that I object. What I object to is this—that, without knowing what may be the necessary extent of the counsels of this body, without attempting to define the limits of its authority, Parliament is asked blindly to commit itself into the hands of the Government in this matter, to enable any future Government by an Order in Council to deal with a most important question. Your Lordships are asked to walk upon wholly untrodden ground, without the least experience to guide you. As far as the experience of all nations and of all ages has gone, that experience is against the proposal of the Government. If the colonies think that their common good requires that they should have some common body to superintend their affairs, then let them make application for that which they know they want. Now, let us look what the noble Earl proposes to do. He says he shall not prevent the legislatures of the different colonies from legislating upon their own affairs. But he proposes that this supreme legislature shall step in and override the legistion of separate colonies. What are the attributes of this legislative body? If an appeal is attempted to be made from the overriding decision of that body to Her Majesty in Council, there must necessarily be a delay of two years and great expense. Now, I must say that this appears to me a plan altogether impracticable, unwarranted by experience, and, as far as our knowledge extends, not desired by the colonies themselves. I think, then, that I am justified in calling upon Her Majesty's Government to reconsider their proposition—to reconsider whether it is necessary, even for their own purposes, to press for the adoption of this clause without further information—without further knowledge of the wishes of the colonies—without farther experience as to the necessity of the case; and without intending to trouble your Lordships at greater length, having very shortly stated those grounds upon which I think this plan is objectionable in the first place, and wholly unnecessary in the next place, I shall venture to submit to your Lordships the propriety of expunging the 30th clause and the following clauses dependent thereon. I do not at present propose to include the 35th clause, because that is a wholly different question. I wish at present merely to reserve to each of these colonies in the Australian group, as in the West Indian group, and as in the North American group, independent and separate legislatures, and to leave the establishment of any superintending authority to some future Parliament, which shall have a full knowledge of the facts and information as to the steps which the colonies themselves desire to be taken on this subject. My Lords, I move that the 30th clause, and those which have relation to the constitution of the general assembly, be expunged.

Earl GREY trusted that the House would not adopt this Amendment. These clauses were proposed under a conviction that there were common interests upon certain subjects among these different colonies which would require almost immediately to be considered by some common authority. For instance, an Act had just come home from New South Wales, by which, following the example of this country, a uniform low rate of postage—2*d*. or 3*d*. he believed—would be established over the whole of that colony; in the absence of any common authority, this would lead to embarrassing questions between New South Wales and Victoria, if there was any division upon the subject. The same remark would apply to an Act which New South Wales had passed, granting a sum of money for the encouragement of steam navigation; and, unless there could be some delegation from the different legislatures in order to the discussion of matters of this kind, and if every thing was to be done by correspondence, a settlement of such affairs would be almost impracticable. He was, therefore, fully persuaded that nothing could tend more to the advantage of those colonies than the establishment of such a general body as that proposed by the Bill. In the West Indies formerly there existed a general legislature for the Leeward Islands; and its re-establishment was highly desirable, but it had been prevented by circumstances. There was another object which made some general authority desirable, namely, the constitution of a court of appeal, there being no effective appeal except to the Judicial Committee here; and the expense and delay of a reference here in every case, had frequently been matter of complaint. Now, a single colony could hardly constitute an effective court of appeal; but if the colonies were joined together, so as to have some common authority, there would probably be no difficulty in establishing a system by which the chief justices of all should meet together and constitute a court of appeal for the whole, in the manner often proposed in reference to the West Indies, where, however, there was no mode of bringing the colonies together upon the matter. It would be observed that the general assembly was only to act for those colonies that desired it. He (Earl Grey) thought it probable that, in the first instance, it would act only for New South Wales and Victoria, which would have, in many respects, such intimate relations; in order to maintain a common tariff and the existing facilities of intercourse arising from the absence of intercolonial customs duties, it was probable that these two colonies might create some authority of this kind for themselves. It was only with certain subjects that this general assembly was to deal; and in consequence of the discussion the other evening, he had prepared an Amendment which he would move that evening, or on the report, if there should be previous notice of it, enabling any legislature applying to be included in this arrangement to require to be included only for certain purposes. Thus, with regard to Van Diemen's Land, it was improbable that the people there should wish to be included in a customs union with the other colonies, being separated by sea, and the productions being different; but, for postage, a court of appeal, and some other purposes, a union would be desirable. The noble Lord objected to the wide authority which was to be given to Her Majesty's Government. The mere formal regulations as to the manner of electing to the general assembly parties who, in the first instance, would probably be little more than commissioners from the different legislatures to regulate certain matters of common interest, might surely be left to the Government for the time being; certainly, if the noble Lord (Lord Stanley) should again succeed to the office which he (Earl Grey) at present held, much as he differed from the noble Lord on many points, he should not have the slightest objection to see these regulations determined by the Government in the first instance; and the moment the new assembly should be created, it would be empowered to revise and alter the regulations. With regard to the conflict of authority, it was scarcely possible to constitute a system of this kind without some danger of that; the only way of providing for it seemed to be, that the general assembly should decide in the first instance, and if they exceeded their power there should be a reference to Her Majesty in Council, which would be a reference to the Judicial Committee. If the general assembly should hereafter constitute an effective court of appeal, questions arising between the different colonies might be determined on the spot by that court, as similar questions were, he believed, decided in the United States. The noble Lord had objected to the mode in which the power was to be divided between the different colonies. It would be wrong to give entirely an equal weight in the united body to each province, whatever its population; and it would be equally unjust to go by mere numbers, in which case New South Wales would, for the present, have an overwhelming preponderance. In the United States the difficulty was met by having two houses—one elected in proportion to the population; while, to counteract the influence thus given, the other chamber consisted of an equal number of representatives for each State; so that, in the senate, the little State of Rhode Island had as much weight as the great State of New York. In this case, it would be inconvenient, from the distance, that a large number of persons should be deputed to the assembly in the first instance. In arranging the general assembly for the Australian colonies, they had endeavoured to combine these two principles as far as could be done in the case of a single chamber. They believed that the body would necessarily be very small in the first instance, and that it was, therefore, not desirable to divide it into two chambers; and, accordingly, with a view of not giving too much weight on the one hand to mere population, or on the other to the separate provinces, however small they might be, they had made a rule half way between the two principles, so as to give a certain weight to each colony, first, as a separate province, and, secondly, according to its population. In order that their Lordships might know the probable numbers that the general assembly would receive from each colony, he might state that, according to the latest accounts, the population of the several colonies was as follows: New South Wales, when Victoria was taken from it, would contain 171,000 inhabitants, and would, therefore, be entitled to four members as a separate colony, and to eight members additional for population, or twelve members in all. Victoria had 51,000 inhabitants, and would therefore have four members as a separate colony, and two for population, or six members in all. South Australia had 49,000 inhabitants, and would also have six members. Van Diemen's Land had a population of 70,000, and would have seven members; so that it was clear that no colony would have an overwhelming influence in the assembly. Besides, it should be recollected that this provision would only come into operation at the desire of the local legislatures; it might very likely be limited to two or three in the first instance, but his firm conviction was, that for certain purposes some such common authority was necessary. Sir C. Fitzroy expressed an opinion so long ago as 1846, that this was a matter requiring to be considered. It was not unprecedented. The noble Lord said nothing of the kind had ever been heard of before; but there was a remarkable example of a similar institution being proposed in the early history of our American colonies. Long before the American war something of the kind had been adopted in that country; and Franklin had the following passage upon it:—

> "In 1754, war with France being again apprehended, a Congress of Commissioners from the different colonies was by an order of the Lords of Trade to be assembled at Albany, there to confer with the chiefs of the Six Nations, concerning the means of defending both their country and ours. In our way thither I projected and drew up a plan for the union of all the colonies under one Government, so far as might be necessary for defence and other important general purposes. As we passed through New York, I had there shown my project to Mr. James Alexander and Mr. Kennedy, two gentlemen of great knowledge in public affairs, and, being fortified by their approbation, I ventured to lay it before the Congress. It then appeared that several of the commissioners had formed plans of the same kind. By my plan the general government was to be administered by a President General, appointed and supported by the Crown; and a Grand Council to be chosen by the representatives of the people of the several colonies met in their respective assemblies. The plan was agreed to in Congress, but the assemblies of the provinces did not adopt it, as they thought there was too much prerogative in it; and in England it was judged to have too much of the democratic. The different and contrary reasons of dislike to my plan makes me suspect that it was really the true medium, and I am still of opinion it would have been happy for both sides if it had been adopted. The colonies so united would have been sufficiently strong to have defended themselves; there would then have been no need of troops from England; of course the subsequent pretext for taxing America, and the bloody contest it occasioned, would have been avoided."

His (Earl Grey's) firm conviction was, that if these clauses were adopted, they might not make any extensive or very important alteration in the first instance, but they would be the beginning of a system which would swell and develop itself with the growing wants of these colonies, and tend to bind them into one great nation, intimately and closely connected with this, and subjects of the British Crown. He believed, that if we did not provide, before difficulties and disputes and questions arose, some mode of solution, we should have infinitely greater difficulty afterwards in bringing different parties to concur in some arrangement that would be fair to all.

Lord WHARNCLIFFE said, that notwithstanding his willingness to support the noble Earl (Earl Grey) in other parts of this Bill, he still thought there was great force in the arguments used by the noble Lord (Lord Stanley), though the alterations now made in the Bill had considerably mitigated the objections he entertained to this provision. It was not to be doubted that a considerable time must elapse before this part of the Bill could be brought into operation. He entertained a strong objection to such premature legislation as the Bill exhibited. He saw no reason for passing a Bill in 1850 for the regulation of points on which it would always be competent for the colonists hereafter, when the proper time arrived, to make application to the Imperial Government. But, besides its being premature, it appeared to him that the mode of constituting this assembly was objectionable in another and a very important point of view, inasmuch as their Lordships could scarcely know from the Bill what the fabric was they were about to erect. They were, indeed, about to provide that the delegates when appointed should proceed according to the regulations laid down in the measure; but where was it provided that to these regulations they should adhere? For so soon as they were assembled they might proceed to exercise the powers contained in the 31st clause, which provided that it should be lawful for the federal assembly to supersede or alter the rules, and to increase or reduce the number of its members. He was well aware the Colonial Secretary meant that the federal assembly should be elected according to the provisions of this Act; but yet he (Lord Wharncliffe) feared, from the manner in which the Bill had been drawn up, that their Lordships were about to establish, before it was needed, an assembly, which so soon as it was established would have the power of altering its constitution altogether. For these reasons he thought it desirable that this portion of the Bill should be postponed to some future period, when their Lordships might be better able to judge of the sentiments of the colonists on the subject than they were at present.

Earl GRANVILLE understood that some noble Lords objected to the measure as premature; but he begged to remind their Lordships of the topics to which the noble Earl (Earl Grey) had alluded—the postage question, and differing customs duties. He (Earl Granville) thought that uniformity in those matters would be highly desirable; and to secure this object alone proved the necessity for immediate legislation. The intention of the clause was to give the colonists the option of sending delegates to the general assembly. With regard to the power given to the general assembly by Clause 31, to supersede or alter the rules prescribed concerning the election of members of the house of delegates, and the conduct of the business of the assembly, he thought it would be impossible for the assembly to work unless it possessed powers of that description. The noble Lord opposite had on this and other occasions strongly objected to the proviso that no such law should take effect until it had been confirmed by order of Her Majesty in Council; but he (Earl Granville) considered it advisable to leave with Her Majesty the power, acting under the advice of Her Ministers, of approving, or disallowing, or modifying any changes in the colonial constitution which might be adopted by the assembly.

The Earl of HARROWBY thought the objects proposed by the creation of a federal assembly would be attained as well by a meeting of commissioners from each colony; an expedient which, if adopted, might remove the objections brought against the present plan.

Earl GREY observed, that Clause 32 very clearly defined the objects for which the assembly were to meet. He thought it would be unfair that New South Wales, which had three times the population of Victoria, should have no more weight than the latter colony in the representation. He was anxious that the Bill should as far as possible guard against local jealousies amongst the colonists, because jealousies of that nature would prevent any arrangements being come to which had for their object the general good.

Lord KINNAIRD considered that their Lordships had sanctioned a very dangerous measure in assenting to that clause of the Bill which established only one legislative chamber in each of these colonies; for he believed that the very first thing the colonists would do would be to endeavour to alter that constitution. He believed the object of the colonists would be to get rid of the Government nominees; and if they succeeded in that object, and applied to the Home Government to confirm the new constitution, it might be found very difficult to refuse their request. He thought there would be great danger in passing the 31st clause, for it would virtually give the whole control of the government of the colonies to the Colonial Secretary for the time being. He believed that few of their Lordships entertained more liberal opinions than he did; but he had some fear of democracy, and especially when he considered the source from which the population of many of the Australian colonies had sprung. He feared that if this Bill passed, some of their Lordships might live to rue the day when they had given power to a convict population—for that was the character of the population in some of these colonies—to form constitutions according to their own views. He hoped, however, that his fears on this head might be groundless, not only for the sake of this country and of our colonial empire, but for the credit of the noble Earl at the head of the Colonial Office, whom he considered, from his comprehensive views, as a statesman peculiarly fitted for the present day; and he should regret that the name of that noble Earl should be coupled with any measures relating to the colonies which proved unsuccessful. The noble Earl had, in his opinion, effected a great improvement in the Bill by the alteration he had made in the franchise; and he thought the measure would not be damaged if the noble Earl would consent to postpone these clauses, if not to omit them altogether.

LORD LYTTELTON supported the Amendment, and contended that the proposal for a federal assembly was contrary to the feelings of the colonists. They were evidently unripe for the creation of such a body. But it was said the creation of a federal assembly was merely permissive. This was by no means clear on the face of the Bill; but whether that were so or not, he contended that, in the circumstances of the Australian Colonies, an assembly of such a nature could not work well. He advised their Lordships to wait until there was a necessity for a federal assembly before they consented to its creation; let them wait until the colonists themselves said they wanted it—until they said they could not meet the case by voluntary delegation.

On Question,

Their Lordships divided:—Contents 23; Non-Contents 22: Majority 1.

List of the CONTENTS.

MARQUESS.
Lansdowne
EARLS.
Carlisle
Granville
Grey
Lismore
Minto
Morley
Oxford
Shaftesbury
Waldegrave
BISHOPS.
Down

Limerick
BARONS.
Byron
Dormer
Dunally
Erskine
Eddisbury
Foley
Lovat
Langdale
Overstone
Say and Sele
Seaton

Clause agreed to.

EARL GREY stated, that he intended, on the report being brought up, to move the addition of a proviso to the clause, enacting that when the Legislative Councils of any Colonies in their address for the establishment of a General Assembly desired that certain subjects, so far as these Colonies were concerned, should be excepted from the decision of that Assembly, the General Assembly should not have power to make laws on such subjects affecting those Colonies.

LORD STANLEY said, it was quite obvious that such a clause would introduce unnecessary complication. The General Assembly, under it, would be placed in this position, that with regard to some Colonies it would have the power of legislating only on post-office matters, in four or five on commercial affairs, and on all other matters with regard to the rest. From each of those Colonies gentlemen would be sent to the General Assembly, with powers to vote on some questions, but not on others; consequently, there would be perpetual doubt as to the subjects on which they were enabled to exercise their privilege. He would not, however, discuss the clause now, but on a future stage he would state his objections to it. At present he only called their Lordships' attention to the complication it would introduce.

LORD REDESDALE also objected to the clause, and asked if the assent of the Governor General would be necessary to the validity of the acts of the General Assembly.

EARL GREY: Undoubtedly.

On Clause 31, empowering the General Assembly to make certain laws,

LORD STANLEY said, that one of the objects of this clause was, to give the General Assembly power to enact laws for the formation of roads, canals, or railways, traversing any two or more of the Colonies. Now, would the noble Earl say that, in the event of establishing a railroad between Victoria and New South Wales, for instance, the Colonies of Van Diemen's Land and Western Australia should contribute towards the expense of its construction in proportion to the revenues of each colony? In that case, the contribution of Victoria would be very small, whilst that of Van Diemen's Land, which would have no interest in the work, would be very large indeed. Surely the Noble Earl would not give power to the General Assembly to tax the whole of the Colonies for a purpose of that sort.

EARL GREY replied, that that power would only be exercised for purposes of common interest.

LORD STANLEY said, that one of the powers of the General Assembly was the establishment of lighthouses upon the coast. Now, what advantage would Western Australia gain by the erection of a lighthouse upon the coast of Sydney, that she should be taxed for it? Their Lordships might as well say that this country ought to be taxed for the erection of a lighthouse at Constantinople. Yet it was proposed that for all works of this description the General Assembly should have the power of taxing all the Colonies to the full extent of a per centage upon their revenue.

EARL GREY did not understand the clause quite in that manner. The General Assembly would have a power to appropriate from the revenues of all the Colonies all sums required for common purposes.

The **EARL of HARROWBY** contended that there was no sufficient identity of interest to render such a power acceptable to the Colonies, and that it would be liable to abuse in various ways.

EARL GREY observed, it was hardly possible, in creating a new authority like a General Assembly, to devise words which would prevent all abuses that might be suggested; but it was the general object of the Bill to create a representative power which would deal fairly by the whole country. The General Assembly would be empowered to make appropriations for the benefit of particular districts; at the same time, he admitted it might be necessary to add a proviso to the clause, to provide that, where all the Colonies did not derive an equal benefit, they should not be called upon for equal contributions. The clause, however, would be printed, and their Lordships would then be better enabled to consider its provisions.

LORD STANLEY would suggest another point for the noble Earl's consideration. Suppose a railway was proposed to be made between New South Wales and Victoria. The principle laid down was, that each colony should be taxed in proportion to the interest they had in the undertaking; consequently the colonies not interested in it would not be taxed; but still the delegates from Western Australia, Van Diemen's Land, and South Australia would all vote aye or no whether the railway should be made, though they would bear no portion of the expense. In other words, the colonies which would derive no benefit from any particular undertaking, would yet have a voice in its construction.

LORD LANGDALE suggested that the words "should be charged in such proportion in each colony, as shall be determined upon by the General Assembly," would meet the difficulty.

The **EARL of HARROWBY** objected to the delegates from one Colony having the power to vote on the internal affairs of another.

The **EARL of CARLISLE** contended that the objection just raised by the noble Earl might apply, if it had any reality, to the case of English and Scotch Members sitting upon an Irish Railway Bill. They had no interest in the construction of a line of railway in Ireland, yet they voted upon that question according to their convictions of public benefit.

Clause agreed to.

On Clause 35, which gives power to Governors and Councils, with the assent of the Crown, to alter the constitution of the Legislative Council,

EARL GREY proposed a verbal Amendment, intended to limit a power which he perceived the clause, as it at present stood, conferred upon the local assemblies, of excluding the nominee Members from their seats. He believed the wording of the clause extended further than he intended, and he proposed to alter it, so that the particular points on which the Colonies should be at liberty to make alterations in the constitution should be defined by Act of Parliament.

LORD STANLEY said, the alteration did not altogether remove his objection to the clause; but he should wish to have the opportunity of considering whether or not he ought, under the circumstances, to waive it. But by assenting to the clause now he must not be understood as precluded from raising the question on the report, when it was probable that the question would be again raised which had just been decided by a majority of one vote, as to the propriety of introducing the General Assembly.

In reply to Lord HATHERTON,

EARL GREY explained that the effect of the clause was to give to all the Colonies a general power of reforming their own constitutions, but such reforms were not to come into operation until sanctioned by Her Majesty.

LORD STANLEY suggested that as by this clause they were giving to each Colony the power of varying its constitution, it might make some difference in regard to the election of the delegates to the General Assembly. In one Colony there might be one legislative body, in another two. One set of delegates might represent one chamber wholly elected, another an elective body of two chambers, and a third might represent two chambers partly elected and partly nominated. How was this difficulty to be met?

Clause, with verbal Amendments, agreed to.

Remaining clauses agreed to.

House resumed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 14, 1850.

MINUTES.] PUBLIC BILLS.—1ª Incorporation of Boroughs Confirmation (No. 2).
Reported.—Metropolitan Interments; Turnpike Roads (Ireland); Borough Courts of Record (Ireland).

TREATMENT OF MR. SMITH O'BRIEN.

SIR L. O'BRIEN hoped that the House would bear with him if he brought before them the case of his brother, Mr. Smith O'Brien. His reason for doing so was the statements which had appeared in the public prints. He ought to apologise to the House for taking upon himself this task. But the House must be aware that the subject had been pressed upon Members from the sister country, and it was thought better that he should not bring it before the House. But others thought that it was his duty to do it, and for this reason, that it was naturally supposed he must be better informed than any other person upon the subject, inasmuch as every person who had received a letter from Van Diemen's Land had kindly favoured him with a perusal of it. The last communication he had received from Van Diemen's Land was dated the 31st of January, and it appeared that three weeks before that letter was dated, his brother had fallen into so bad a state of health that his life was despaired of. Now, if by any treatment that was designedly harsh, or if by not taking what might appear to be only the ordinary precautions, his brother's life should be lost, or his reason become impaired, the Government would incur a severe responsibility. It would be used as a handle against them, and in Ireland a fatal use might be made of it, which the Government, as public men, might well wish to avert. It appeared that on his brother's arrival in Van Diemen's Land he refused to accept a ticket of leave, and he was accordingly placed in Maria Island, a small island, the property of two or three individuals, and situated, he believed, about ten miles from the shore. The inhabitants of the island appeared inclined to treat him with much civility, and sent messages and called upon him; for two or three weeks accordingly his brother felt as comfortable as he could be under such circumstances. But in that space of time orders came that no one was to have any intercourse with him. For eight weeks afterwards his brother was not allowed to hold intercourse with any person whatever. The person who brought him his food was the only person he saw, with one exception, and he was not allowed to hold any conversation with him. A religious instructor was allowed to visit him, but he was also not allowed to converse with him, except upon religious subjects. A Roman Catholic clergyman lived in the island, but he was not allowed to visit or to speak to him. He was allowed to live in a cottage, surrounded by what was called a garden, but which was nothing more than a plot of potato ground. He was allowed to walk upon a rough and exposed piece of ground 70 yards long and 20 yards across, without shade or shelter, and exposed to the sun in hot weather and the winds in boisterous weather, so that he could only walk out for an hour in the evening as the sun was setting. The natural consequence was, that he began to fall into a state of health such as he had described; and this change in his health having been reported to the Governor of Van Diemen's Land, he was happy to inform the House that, in consequence of the report of the medical inspector, the keeper who had charge of his brother was allowed to walk about the island with him. His health improved, his spirits began to recover, but it was feared that as soon as it was known that this improvement had taken place, these relaxations would be withdrawn, and he would be again plunged in a state of despair. His brother was wrong in not accepting the ticket of leave. It was easy to persuade him (Sir L. O'Brien) of that; but what could he do? He went to Dublin to persuade him to accept it if it should be offered him, but to no purpose; and if he went to Van Diemen's Land it would be of as little use. The question for the Government was, whether, under these circumstances, they would pursue a person to the death—and whether, if he remained obstinate, they would persevere in a course of treatment which would bring him to the grave? This was not in accordance with the mild spirit of the British constitution. His brother thought he was engaged in a good cause. He (Sir L. O'Brien) thought him very wrong and injudicious, and never by word, sign, or otherwise, had his brother received any encouragement from him. But if a man thought himself right, and remained in this frame of mind, was it right to pursue him to such an extremity as to cause the loss of his life? It took four months to receive a letter from Van Diemen's Land, and another four months must elapse before any instructions which the Government might send out would reach the island, or before he could know what had passed in that House to-night. If, therefore, he remained consistent or obstinate, whichever they might term it, he would have been eleven months in the same state of mind. He therefore put it to the Government whether they would continue this treatment or not?

SIR G. GREY said, that every Member of the House must sympathise with the position, of the hon. Gentleman who spoke, naturally, with strong feelings on this subject. He only regretted that the hon. Gentleman had not informed him of his intention to make this statement on the present occasion; because if he had been aware of it he would have refreshed his memory by referring to the despatches received by the Government, and with the purport of which the hon. Gentleman himself was acquainted. The hon. Gentleman had truly stated that the Government, wishing to act with as much indulgence in this case as was consistent with their public duty, had departed from the usual practice pursued towards ordinary convicts, and issued instructions to the Governor of Van Diemen's Land, on the arrival of the hon. Gentleman's relative and his fellow-prisoners, to offer them tickets of leave immediately, provided they would give an engagement that they would not avail themselves of the indulgence in attempting to escape. But this privilege, which was certainly a very great indulgence, was positively refused by the relative of the hon. Gentleman; and the Governor, acting then in the discharge of a responsible duty, and in conformity with the instructions which he had received, took the only course open to him under the circumstances—he placed the hon. Gentleman's relative on Maria Island, a place for the reception of convicts. He was not placed with the other convicts, but had consigned to him the separate apartment to which the hon. Gentleman had referred, and was put under the charge of a responsible officer. He had not the opportunity possessed by the ordinary convicts with tickets of leave of having intercourse with the inhabitants of the island; but he had held communication both with the bishop and the chaplain, and also with other persons, and had received every indulgence as to rations, and in every other respect that was consistent with the duty—the painful duty—which the Governor had to perform. And he (Sir G. Grey) therefore felt that if any charge could fairly be brought against the Government in the matter, it would be for having shown in this more indulgence than perhaps public opinion would have justified them in doing. With regard to the relaxation in the treatment of Mr. Smith O'Brien, which was said to have taken place, the hon. Gentleman knew more on that subject than he (Sir G. Grey) did, as he had received no information whatever as to anything of the kind. But he had no doubt, if Mr. Smith O'Brien's health was seriously affected by his confinement, that the regulations would be relaxed in his behalf in the same manner as they were relaxed for any other prisoner whose health suffered from carrying out the sentence of the law.

MR. GRATTAN said, that this was the case of a countryman of his, and he knew of no law of this country that imposed torture. This was a question of humanity; and the right hon. Baronet forgot about the *50l.* that was sent to this gentleman to buy tea and clothes with. It was known that he was a teetotaller, and yet he wasn't allowed to buy tea or clothes. The right hon. Baronet said, this was the law of the land. He (Mr. Grattan) begged his pardon: it was not the law of the land; and the Earl of Clarendon agreed with him; because, when a deputation waited upon him at Dublin Castle, the Earl of Clarendon told them what was humanity; for he said that the parties should not be pursued further than the claims of justice and the necessity of the country required. But he (Mr. Grattan) would remind the right hon. Baronet of another great prisoner who had been cruelly treated by the British Government. Bonaparte, at St. Helena, was denied the enjoyment of a pianoforte by a decision of the Privy Council of England. And that was what they called justice and humanity.

Subject dropped.

FACTORIES BILL.

Bill, as amended, considered.

LORD ASHLEY moved, as an Amendment, to insert the words "no child" after line 12, page 2. This was an Amendment of the greatest importance, but as it was precisely the same question upon which the House had come to a decision a few days ago, it would not be necessary to detain the House at any length. By the Bill now before the House, the labour of young persons and adult females was to begin at six in the morning, and close at six in the afternoon; while by their previous legislation the labour of children between the ages of 8 and 12 might be carried on between the hours of half-past five in the morning and half-past eight in the evening. His right hon. Friend the Home Secretary said, that the position of young children was not affected by this Bill, and that it remained the same as before. But he contended that the position of these young children was relatively altered by the present Bill to a considerable extent. These children used to come with their parents, or went away with them. In the rural districts of Lancashire and Yorkshire, the children had sometimes to walk two or three miles, and if they were to be kept in the mill till half-past eight in the evening during the winter season, and then had to walk two or three miles, they would be kept out of bed until ten or half-past ten o'clock at night. Formerly, if they were kept until this hour in the mill, they had their relatives and friends to take them home. But these would leave the mill at six, and they could not be expected to wait until half-past eight to take these children home. He therefore proposed this Amendment, which would permit these children to be employed within the same margin, from six to six, during which young persons and females would be employed.

Amendment proposed, page 2, line 12, after the word "Act," to insert the words "no child."

Mr. S. CRAWFORD seconded the Amendment.

Sir G. GREY had before stated that the Bill had nothing to do with the labour of children, who were already protected to a much greater degree, for no child could now be employed for more than seven hours in any one day in some cases, or for more than six hours and a half in the majority of instances. Ample provision was also made for their attendance at school. He was not prepared to deny that some inconvenience would result from the circumstance pointed out by his noble Friend; but that arose from the necessity of affording greater protection to children than to young persons and adult females, and, unless the noble Lord was prepared to place them on the same footing, he did not see how the House could agree to this clause. The two sets of children now employed, some for seven hours, and others for six hours and a half, making thirteen hours and a half altogether, could only be employed together if this Amendment should pass, or for the limited term of ten hours and a half per day. Now, that would be a serious restriction upon the motive power of machinery when the pressure and the demand for manufactures became great. Suppose the decision of the Court of Exchequer had been against the system of relays, and the House were not asked to pass any law upon this subject. Or suppose the Bill originally brought in by the noble Lord for declaring the intention of the Legislature had been carried. In either case, the labour of children would have been left as it now stood, and they would have been liable, under the noble Lord's Bill, to work, in different sets, between half-past five in the morning and half-past eight in the evening. This was the state of the law at present, and it was identical with that which he now proposed to continue.

Mr. AGLIONBY said, that the Ten Hours Bill had been broken through, and the manufacturers had got two and a half hours additional. This was a compromise, and the gain to the manufacturers justified the present proposal of the noble Lord. He thought that children were more entitled to protection than any others, and he wished to protect them against very early and very late hours.

Mr. S. CRAWFORD concurred in the view that this had now become an open question. The House was now called upon to decide in what manner children could be best protected. A Bill which made children leave their beds at half-past four did not protect these children; and, in the same manner, any Bill that would permit them to be kept up till after eight in the evening would be in the highest degree injurious. He thought that, whatever might have been the state of the law hitherto, such measures should now be enacted as would give sufficient protection to children, and therefore he would support the Amendment of the noble Lord.

Mr. BRIGHT wished to call the attention of the House and of the noble Lord the Member for Bath, to the practical effect of the propositions, if carried; because, if the noble Lord was as convinced of what the effects would be as he (Mr. Bright), who understood something about the matter, why the noble Lord would be the last person in the House to propose the measure now submitted to it. At present children under thirteen years of age

—for it was only to these that the Motion applied—could not work, speaking generally, more than 6½ hours a day. Now, when that great restriction was enacted, the result was that many hundreds—he might almost say thousands—of children, were discharged from factory employment. The reason of this was obvious, for if persons who had been in the habit of working 10, 11, and 12 hours a day were restricted to 6 or 6½ hours, they could only expect half the wages they received before; and thinking that too small they remained away from work, and the labour of young persons was too costly to make use of. Thousands of persons under 13 years of age were driven from factory employment in consequence of the hours of working being restricted to 6½ hours. Let them bear that in mind in considering the proposition of the noble Lord. That proposition was that in future no child should work before six in the morning, or after six in the evening; that was, that they should not work for more than the time to which young persons and women were restricted. But, supposing that the morning class of children worked six and a half hours, the second class would have only to work four hours in the afternoon; and was it not clear, for the reasons he had stated, that the discharge of thousands of factory children would be the result, and the same consequence would follow even if they divided the time into two equal portions of five hours and a quarter. If any alteration was to be made at all in the Bill, it should be on a different system — namely, by allowing them all, men, women, and children—to work for the ten hours. That would give rise to less inconvenience, and would be far more merciful to the young children, than the proposition of the noble Lord. The question was one which would not materially affect the larger portion of the manufacturers, but it would have a most injurious effect on the children by throwing numbers of them out of employment. He thought it right to state the effect of the proposition before the House divided upon it.

MR. EDWARDS: The hon. Gentleman the Member for Manchester asserts that many thousands of children have been discharged from factory employment by the Act of 1847. Now, I will take the liberty of asking the hon. Member, what has become of all these unfortunate children of whom he has spoken? In the district with which I am most acquainted, I believe at the present moment it is difficult to meet with a strong healthy child between the age of eight and thirteen out of employment; and I can state as a fact within my own knowledge, that children in the neighbourhood of Halifax employed in woollen factories are earning on an average nearly *5s.* a week—a sum almost equal to the earnings of an agricultural labourer in many parts of the south and west of England, who may have a wife and large family depending upon him for support and existence.

SIR H. WILLOUGHBY asked if the rejection of the noble Lord's Amendment would not have the effect of encouraging a system of relays, in which adults and young children would be employed, and thus injure, if not entirely cut off, the work of women and young people?

MR. T. EGERTON said, the great objection he had to the measure proposed by the noble Lord was, that it would indirectly attack the motive power of the country, and that it would prevent adult labour being employed. At present the time of adult labour might be 13 or 14 hours, and children were employed to assist them. Now, if they restricted children in the way proposed, they would actually limit the moving power in all the mills in the country to 10 hours a day. He asked the House to weigh well the consequences of the Amendment proposed by the noble Lord.

MR. ELLIOT was satisfied that if the proposition now before the House was agreed to, the effect of it in his part of the country (Roxburghshire) would be to put an entire stop to the moving power of the mills at the end of 10 hours every day; and he could not help thinking that this was the intention of the noble Lord.

MR. HUME said, that the hon. Member for North Cheshire directed the attention of the House to the real character of the proposition. Its object was to restrict the hours of labour by legislative interference, which he considered to be a most pernicious course to adopt. The great object of the Legislature ought to be to improve the condition of the operative classes. He believed Englishmen worked harder than the men of any other country; and if the hours of labour could with safety be diminished, he would be most happy to acquiesce. He believed it was only by capital and machinery that they could employ the millions at manufacturing labour; and he therefore deprecated the attempts of those gentlemen who, in the idea of improving the condition of the operatives, were only endangering the whole population. He regretted the present was not a Motion to remove all legislative interference with labour. They were essentially a manufacturing country; and, being mainly dependent on manufactures, they were nevertheless about to limit the means of employment. To be sure it was hard to see so many of their countrymen doomed to such severe labour; but it would be still worse—as in the case of Ireland—if they had not work to give them. He therefore would support the views of Her Majesty's Ministers.

Lord R. GROSVENOR begged to deny the conclusion arrived at by the hon. Member for Montrose, that labour would be injuriously interfered with by the Amendment of his noble Friend the Member for Bath. It merely went to protect children; and if not carried, the children would be at the option of the employers to be worked, not merely ten hours per day, but perhaps twelve or even fifteen hours per day.

Mr. W. J. FOX said, some hon. Gentlemen seemed to think they had successfully applied the *argumentum ad absurdum* to this case when they showed that, incidentally, the proposal of the noble Lord would limit adult labour to ten hours a day; but he did not think they had done any such thing. For himself, he could see nothing in such a result to deprecate; and, though some of the manufacturing capitalists might look upon it with aversion, yet the great body of the operatives would rejoice in such an incidental result. Gentlemen spoke as if it were intended to prevent men who were desirous to labour for a longer time than at present from doing so; whereas the opinions of the operatives had been most distinctly expressed in a contrary way. He believed the hon. Member for Montrose was for a free-labour market; so was he, but could a man be said to sell his labour in a free market who was in this position, that he must either work fourteen hours a day or have no work at all? There was only one way in which men could exercise their freedom in this respect, and that was by exercising it in masses—by a great general movement, and not by individual operatives sacrificing themselves in the vain endeavour to procure a different mode of operation with respect to their employment. The great majority of the working men had decided for ten hours a day; they were not willing to sell their labour for more hours than that, and, if they did sell it for more, it was by constraint, and because they had not a free labour market in this particular. If it was alleged that the operatives were led by agitators, the Government could easily ascertain what was the fact. The factory inspectors stated that 60 per cent of the factory workers were in favour of ten hours, 25 per cent in favour of twelve hours, and 12 per cent in favour of eleven hours' labour. They had thus made their choice, and he thought they had made a wise one. The House ought not to look at the incidental result of this measure, but at the direct result, and that was, that children should not work before six o'clock in the morning, nor after six o'clock in the evening; and what person with the common feelings of humanity would wish his children to be employed at these hours? Children of that age should not be in the factory, but in the school. He should like to see the labour of children entirely prohibited; but till that could be done, let them not be torn from their beds in the morning at an unsuitable hour, and again in the evening kept back from school by being compelled to labour in a heated factory.

Mr. W. BROWN: The hon. Member for Oldham had told them that the workmen did not wish for more than ten hours' labour a day. Now the fact was, that where works were kept going beyond that time, the choice of the best men was always at the command of the employers.

Question put, "That the words 'no child' be there inserted."

The House divided:—Ayes 159; Noes 160: Majority 1.

List of the Ayes.

Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Alexander, N.
Bagge, W.
Baillie, H. J.
Baldock, E. H.
Bankes, G.
Bateson, T.
Beckett, W.
Beresford, W.
Best, J.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Booth, Sir R. G.
Bremridge, R.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Bromley, R.
Brotherton, J.
Brown, H.
Burrell, Sir C. M.
Cayley, E. S.
Chatterton, Col.
Childers, J. W.
Clifford, H. M.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Conolly, T.
Cotton, hon. W. H. S.
Cubitt, W.
Davies, D. A. S.
Denison, E.
Dick, Q.
Disraeli, B.
Drummond, H.

Duncuft, J.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Foley, J. H. H.
Forbes, W.
Forester, hon. G. C. W.
Fox, W. J.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Grattan, H.
Greenall, G.
Grosvenor, Lord R.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hill, Lord E.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Ker, R.
Kerrison, Sir E.
Knox, Col.
Law, hon. C. E.
Lindsay, hon. Col.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Meagher, T.
Mandeville, Visct.
Manners, Lord J.
Masterman, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Moody, C. A.
Moore, G. H.
Morgan, O.
Morris, D.
Mullings, G. R.
Mundy, W.

Muntz, G. F.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Nugent, Sir P.
O'Brien, Sir T.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Perfect, R.
Portal, M.
Prime, R.
Rendlesham, Lord
Repton, G. W. J.
Rushout, Capt.
Sandars, G.
Scholefield, W.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Simeon, J.
Smith, rt. hon. R. V.
Smyth, J. G.
Smollett, A.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Staunton, Sir G. T.
Strickland, Sir G.
Sullivan, M.
Taylor, T. E.
Thompson, Col.
Thompson, G.
Thornhill, G.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Villiers, hon. F. W. C.
Vyvyan, Sir R. R.
Waddington, D,
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
Walpole, S. H.
Walter, J.
Wawn, J. T.
Welby, G. E.
Williams, J.
Willoughby, Sir H.
Wood, W. P.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.

TELLERS.

Ashley, Lord
Crawford, W. S.

List of the NOES.

Alcock, T.
Armstrong, Sir A.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, C. L. G.
Birch, Sir T. B.

Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brown, W.
Browne, R. D.
Busfield, W.
Carew, W. H. P.
Carter, J. B.
Caulfeild, J. M.

Chaplin, W. J.
Clay, Sir W.
Clements, hon. C. S.
Clive, hon. R. H.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Corbally, M. E.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, Capt.
Damer, hon. Col.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, Sir P.
Egerton, W. T.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Ewart, W.
Fagan, W.
Fergus, J.
FitzPatrick, rt. hn J. W.
Fitzroy, hon. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, G. H. W.
Heneage, E.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Houldsworth, T.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hughes, W. B.
Hume, J.
Hutt, W.
Jervis, Sir J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Legh, G. C.
Lemon, Sir C.

Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Mackie, J.
Mackinnon, W. A.
Macnaghten, Sir E.
Marshall, J. G.
Marshall, W.
Martin, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mostyn, hon. E. M. L.
Mowatt, F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
Ogle, S. C. H.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Pendarves, E. W. W.
Powlett, Lord W.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Stansfield, W. R. C.
Stuart, Lord J.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Villiers, Visct.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
West, F. R.
Westhead, J. P. B.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

Lord J. MANNERS then proposed the Amendment of which he had given notice; and said, if the Amendment were carried, he would propose the following supplement:—"In Clause 3, line 39, to omit the word 'six,' for the purpose of inserting the words 'half-past five.'" He expressed his regret that he could not follow the guidance of that chivalrous and high-minded man Lord G. Bentinck, who was no longer amongst them, and who had devoted so much time and energy to this question. The appeal now made to Parliament was not for the concession of any new favour, but to confirm that which had been already conceded. The appeal was made by a great portion of the working classes of this country, and their demand was that the benevolent intentions of the Legislature in their behalf might not be frustrated. The question which the House of Commons had now to decide was, would they allow those poor people to be deprived of a boon which had been deliberately accorded to them? That was the real question upon which they had to decide; and Heaven send that the decision of English Gentlemen upon it might be in accordance with English honesty and English honour! From what had recently passed in that House, one would have thought that such a thing had never happened before, as that it was necessary to amend in one Session of Parliament an Act passed in the preceding one; but every Gentlemen knew that such things were not of rare occurrence. The House would remember that in 1846, when Parliament had determined to abrogate all the laws imposing duties on the importation of grain, it was discovered towards the close of the Session that, owing to an inaccuracy in the Bill, a fixed duty for a limited period was left on beans and peas. The time for which the duty could be raised was so limited, that it was not thought worth while to pass a distinct Act remedying the defect; but let it be supposed that, instead of a verbal inaccuracy, affecting only the import of beans and peas for a limited period, it had been discovered a year or two after that there were conflicting decisions in the inferior courts on the subject, and that it was decided by one of the supreme courts that not only beans and peas, but every kind of cereal product, would have to pay a fixed duty, not for a limited time, but for ever, what then would have been the language of the right hon. the Member for Tamworth and the hon. Member for the West Riding? They would at once have insisted upon a remedy being introduced. But what would have been thought if they (the Protectionists) had turned round and thrown every obstacle in the way of repairing the blunder? Yet such a course would not have been more blameable than that pursued by Gentlemen opposite with reference to the Factory Bill. In point of principle, what was the difference between the proposition of the Ministry and that to which he had alluded? But in the one case the parties were powerful, in the other they were poor and friendless, and could appeal to nothing but the honour and justice of the House of Commons. Well, but that was the case here. Conceal it as they might—evade it as they might—mystify it as they might—the people of England well knew that the decisions of the Barons of the Court of Exchequer was not in the spirit or intent of the principle affirmed by both Houses of Parliament, and sanctioned by the Sovereign. There were three grounds upon which they might now be asked to support the law as it now stood, and three only. The first was a doubt as to the intentions of the Legislature in framing the Act; the second, that the Ten Hours Act had worked so ill that it was the duty of Parliament to alter it; and the third, that the proposed measure would confer equal advantages upon the factory population. In reply to what had been said by the hon. Member for Manchester, he would quote the opinions of Mr. Leonard Horner, one of the factory inspectors, a man of all others, perhaps, best calculated to give an opinion upon the subject. He stated in his report—

> "Among the opperatives, a very large majority, and among them those whose earnings have been most reduced by the restriction, appear to be in favour of the shortened hours of labour. That feeling has evidently increased with their extended experience of the effects of the Act; and, in confirmation of this, there is this very significant fact, that, so far as I have learned, there has been only one petition from the workpeople in my district complaining of the Act, and praying that their hours of labour may be again extended; while, on the other hand, numerous meetings have been held in various parts of the kingdom, at which petitions have been agreed to, praying that the existing Act may be more generally enforced according to what the petitioners believed to be its true intent, and that the evasions of it may be put down. The one petition above referred to is that presented last Session to Parliament by the operatives in the employment of Messrs. Jones Brothers. Among the owners of factories, the majority, as might be expected, appear to be against the restriction to ten hours; but my recent communications with them lead me to say that the minority

is by no means small, and that a feeling in favour of the shortened hours is much more frequently met with now than it was twelve months ago. Many have said to me, 'We can do very well with ten hours, and would not object to the Act if we were all alike; but we do complain that while the generality of millowners are working in conformity with the law, so many, who come into the same markets with us, are allowed to work their mills eleven, twelve, and some thirteen hours a day.' It has been repeatedly stated to me that, partly by increased speed of machinery, but mainly by the increased activity and closer attention which the workers are able to give during their shortened hours of labour, the diminution in the quantity they produce is far less than was expected and predicted by those who opposed the Ten Hours Bill."

And, again, to this passage he invited the attention of the House:—

"I can speak from positive knowledge that it was the intention of the framers of the Bill of 1844 that the working by shifts which had been practised under the Act of 1833 should be prevented. By referring to the reports of the inspectors, prior to 1844, it will be seen that frequent and urgent complaints had been made by millowners that the principle so essential in such a law, namely, that all millowners should be placed on one footing as to the number of the hours of work, was grossly violated in some districts by the evasive practice of working by shifts, and which could not be prevented by the Act of 1833. When the Bill of 1844 was preparing, the inspectors were called upon by the Secretary of State to suggest enactments which would remedy that defect of the Act of 1833, and they did so. But the law phraseology and construction of the clauses in which their suggestions were afterwards embodied have unfortunately created, in the minds of some magistrates in my district, an ambiguity which has led them to dismiss cases I brought before them under the firm belief that the true intent and meaning of the Act had been violated; a belief founded upon my own knowledge of the intentions of those who framed the Bill of 1844, and supported by that interpretation of the Act, by the law officers of the Crown, which has been given to the inspectors as their guide."

But what said the noble Lord at the head of the Government in reply to a deputation upon this subject? He said, there was a large amount of prejudice in favour of the Ten Hours Bill; but there would be much difficulty in obtaining a change in the law. "But" (and to this passage of the noble Lord's reply he asked hon Gentlemen to attend)—

"there could be no doubt that the intentions of the Legislature when passing the Bill was, that it should be virtually a Ten Hours Bill, and that the power of working by relay had not been contemplated by Parliament."

He thought that what had been stated was conclusive as to the intentions of the framers of this Act. Well, then, as to the second question—had the law worked so badly that it might be altered? Upon this point his noble Friend the Member for Bath had laid before the House such a mass of evidence, and had put forward statements of so irrefutable a character, that scarcely anything was left for him to advance; yet, as he had understood it was the intention of the hon. Member for Manchester to dispute the arguments and evidence of his noble Friend, he would say a few words upon the question. Now, neither upon this nor upon any other matter at issue in this debate, would he quote the opinions of men who were open to the charge of enthusiasm or sentimentalism, but of those who were thoroughly conversant with the subject, and who had calmly weighed and considered the whole bearings of the question, and whose opinion might, at least, be regarded as impartial. The Special Commissioner of the *Morning Chronicle* in Manchester said—

"One point, however, my informants almost universally conceded, and what they stated is strongly verified by my own observations, that it is the best conducted, the most thoughtful and well-informed workmen in each mill who have been most earnest in the ten hours agitation, and who are now most zealous in the support of the present law. The matter is to so great an extent a labourer's question that the feelings of the people themselves are of the most primary consequence in forming a judgment. I have, therefore, in every mill which I have visited in Manchester, Bolton, Ashton, and Oldham, taken opportunities of personally learning the opinions of the workpeople from their own lips and in their own phraseology. I have thus examined probably nearly 100 persons, and the result is, with two exceptions, I was told by one and all that they preferred the ten hours system to the twelve, even if they only got ten hours instead of twelve hours' wages.

MEN'S OPINIONS.

"A. Likes the ten hours time. Thinks that it is better for trade than twelve, because if they'd been working twelve hours last summer, they would be working regular short time now.

"B. Hopes the great people in Lunnon will not allow that relay system to go on, for it's very tyrannous to the poor.

"C. Was a great deal better and a great deal happier since the ten hours.

WOMEN'S OPINIONS.

"A. The Ten Hours Bill was the greatest thing that ever came into operation. Every woman in the shed will tell you the same as me.

"B. Can do her washing now, which she always put out before, and saves money that way. The Ten Hours Bill is a good thing, and she'll always say so.

"C. Believes that ten hours' work a day is enough for any Christian; at least it's enough for her, and she don't care who knows it.

"D. Is sure it is a great blessing to a woman to get home to her children sooner than she used. All the women in her street are for the ten hours."

Three hundred and eighty-seven of the managers and overlookers of the mills of Salford and its vicinity had petitioned the House in favour of the law of 1847. Mr. Leonard Horner, in his report, bore testimony to the improved condition of the factory population since this Bill came into operation; indeed nothing else could be anticipated. The means of obtaining education had been greatly increased, the period for recreation enlarged, and more time was left for the performance of those domestic and social duties which no plan of legislation ought to disregard. That opinion was corroborated by every report from the factory inspectors, by every petition presented to the House, and particularly by the remarkable petition he had himself presented from the managers and overlookers of mills in Rochdale and Halifax. Mr. Saunders, another factory inspector, also quoted, as a satisfactory proof of the beneficial operation of that Act, the increased power it had given to the working people in Yorkshire to obtain small plots of ground, and to cultivate little gardens for their own use. Then, if such were the beneficial results of the Act of 1847 on the condition of the manufacturing population—if their toil had been lightened, their means of obtaining education greatly increased—the comforts of thousands of homes promoted by the cultivation of the soil, perhaps the purest and most simple of enjoyments permitted to the dwellers upon earth, he would ask whether it had been accomplished by any great sacrifice on the part of the master manufacturers? He asserted boldly and without fear of contradiction that such had not been the case. And if it were necessary to establish this position, he could refer to almost every speech that had been delivered by hon. Gentlemen on the Manchester bench. Why, on the contrary, those Gentlemen assured them, day after day, that trade in their districts had never been so brisk nor the mills so busy, never was manufacturing prosperity placed upon so sure a basis. And yet they now came forward to say that, if this small boon were conceded to their overworked labourers, the masters would be all sacrificed at the shrine of humanity—that if this slight privilege were granted, the manufacturing prosperity of England was gone for ever. He believed the working people of England had had sufficient experience of these gentlemen to treat their vaticinations upon this and other such questions with the utmost indifference. The time had long since gone by when their prophecies were respected, and, of all men, the factory population had the least reason to value them. Those poor people had been accustomed for thirty years to their predictions and to their professions. They now declared they were prosperous, and that the condition of the manufacturing districts was most enviable—

> "Sed medio de fonte leporum
> Surgit amari aliquid quod in ipsis floribus angat."

The manufacturers must not be interfered with. Let them do as they pleased with their operatives, and then all would be right. But no sooner did Parliament step in on behalf of women and helpless children, than those Cassandras of Staleybridge gave utterance to the most woful predictions—no sooner did an hon. Member in that House ask for a little less toil for the child, than the manufacturers who had before been so loud in their denunciations of protection, declared they must be protected against this interference; and that, unless the additional half hour's labour was left with them, there was an end to their successful competition with foreign nations. Hon. Gentlemen opposite might speak of American competition, but let the House consider what that American competition was? It was either a bugbear or a sad and stern reality: if it were the former, let the House disregard it: if the latter, could any Gentleman think that this solitary half hour would enable the master manufacturers successfully to resist it? He dismissed, then, the assumption that the Act of 1847 had worked ill, and would assert that its effect had been beneficial to the working people, and not detrimental to the masters. If indeed any doubt were entertained on the subject, he would refer to a petition in favour of the Ten Hours Bill which had been presented to that House, and which was signed by a number of the master manufacturers in Lancashire employing a great number of workmen. He would read the petition to the House:—

"TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED,

"The humble petition of the undersigned masters, employers of children, young persons, and women in factories, and the neighbourhood,

"Showeth—That your petitioners have been subjected to the provisions of the Acts for regulating labour in factories.

"That your petitioners have a deep interest in the morals and worldly welfare of those who work for them, as well as an interest in the prosperity of their own trade, and that, having observed the operation of the Ten Hours Act, both as regards their working hands and as regards its effects on trade, your petitioners are convinced that its advocates did not over-estimate its value when they promoted it in Parliament.

"That, as regards the working people, it has produced the good that was expected from it—more attention to their work, more healthful appearance, more cheerfulness and contentment, mothers more happy and industrious in their homes, fathers more frugal and more given to rational occupations, sons and daughters passing their time of leisure in assemblies for mutual improvement, and in the enjoyment of rational and invigorating exercises and games.

"That the 'shift' and 'relay' system which the Judges in the Court of Exchequer have declared to be legal, but which has never been adopted in Yorkshire, is destructive of all the advantages above enumerated, and that, under such a system, an efficient inspection (which seems to be unavoidable in order to make all conform to the law) is impossible, as is well known to all persons of practical experience.

"That such a state of things is most injurious and unjust to those masters who faithfully obey the law, inasmuch as it is material to them that all masters should be placed upon the same footing, and that those who conform to the Acts which the Legislature deems it advisable to pass, should not be left to suffer by the violation of those Acts by the less scrupulous of their order.

"Your petitioners therefore pray your honourable House to take the most speedy and efficient means to put an end to the system of working in factories by 'shifts' and 'relays,' and thus make all masters equally amenable to the law.

"And your petitioners will ever pray."

And amongst the signatures were the following millowners, employing a very large number of hands:—Todmorden; Fielden Brothers and 17 others, employing 2,000 hands. Bolton (45 signatures): Robert Knowles, employing 411 hands; Robert Burton and Sons, Thomas Taylor, Johnson and Reeves, John Gray, employing 405 hands. Rochdale (45 signatures): Henry Kenwall, William Chadwick, Joshua and James Radcliffe, Thomas Ashworth, and others, James King, jun., employing 2,100 hands. Preston: John Cooper, Hinxman, Fronico, and Co., Richard Riley, William Ainsworth. Heywood: John Wild, Hilton Kay, and 23 others, employing upwards of 10,000 hands. Manchester (21 signatures): Blackburn: William H. Hornby and Co., Pilkington Brothers and Co., Sir William Feilden, Son, and Co., Robert Hopwood and Son, William Eccles and Co., employing 7,090 hands. Bury: John Robinson Kay, Richard Ashton, Thomas Carlow and Sons, James Openshaw and Brother, Richard Hamer, employing 4,200 hands. Oldham: Joshua Milne, William Taylor, John Cooper and Brothers, Joseph Baxter, D. Dronsfield and Co., Jonathan Mellor. Burnley: 9 signatures. Stockport: 10 signatures. He now came to the third point, namely, what advantages the present Bill offered. In the opinion of a great body of the master manufacturers, their interests were not sacrificed in continuing the boon which every one admitted had been conferred on the working people. As to any advantage that this Bill would confer on the working people, let him ask, what was the advantage in taking from them two hours a week? What was the compensation which dignified this measure by the name of a compromise? It was said that the object of it was to prohibit women and young persons from working after six o'clock in the evening; but he would appeal to any man practically conversant with the manufacturing districts whether, after the decision in the Court of Exchequer, in 99 cases out of 100, women and young persons did not leave off their work at half-past five, and not six? In those cases, therefore, the boon now proposed was not a boon, but was an addition of half an hour's work. It was true that when the Government proposal was first made, sedulous attempts were made to induce the working people to believe that the effect of this Bill would be to make them leave the mills at six o'clock, and prevent adults working after that hour. But now his noble Friend the Member for Bath had learnt, he doubted not with regret and indignation, that neither was such the effect of the Bill nor the intention of Ministers, and he thought his noble Friend had some reason to complain of a want of ingenuousness on the part of Ministers, who permitted his noble Friend, and their advocates in the papers, and their daily organ, the *Times* newspaper, to promise the working people that such would be the result of the measure, that the moment the clock struck six every mill would necessarily be closed; and now, after two divisions, it turned out that the Government never did intend that such should be the result of their measure. They had it, therefore, established now that under this Bill mills might be worked by adult males and young children until half-past eight o'clock, and so the sole boon conferred on the working people was, that in 99 cases out of 100, women and young persons would be compelled to work half an hour longer than at the present moment. But, it might be said, why make such a strife for so small an object as half an hour? He should have thought that half an hour taken from the working people against their wishes, against their admitted rights, against the intention, would not have been regarded as a light or trivial matter. He knew with what feelings the working people, and the clergy, and gentry in these districts regarded this proposition of the Government. Let him refer to the statement of the committee of managers, overlookers, carders, spinners, and other branches of factory work in Bolton on this point. The committee said, that during this half hour, if taken from the working people, they would learn this lesson—they would regard this matter as a violation of their Magna Charta, and would look upon the Legislature as the invaders of their ceded rights, and the defrauders of the working classes. It was not the way to form loyal and loving subjects. It would be deeply injurious to the cause of order and good government if the manufacturing portion of the community had just cause to accuse the Legislature of depriving them of their just rights. By this act of Her Majesty's Ministers, 10,000 of Her subjects would, during half an hour every day, be learning the dangerous lesson of discontent. He was not surprised that the working men were indignant at this invasion of the just rights of their wives and children. The clergy of Preston had met to consider this subject, and the result of their deliberations was a respectful memorial addressed to the right hon. Gentleman the Home Secretary, which he would now read to the House:—

> "In this town, and we believe generally in Lancashire, the present hours of factory labour are from 6 a.m. to 5½ p.m., allowing one and a half hours for meals, and we are convinced that, in order to carry out fully the principle which led to the Ten Hours Bill, it is essential that the hour of half-past five shall remain unchanged for the cessation of work. In Preston, evening schools have now been established; the young factory hands attend them with much readiness and interest; they are open from 7 to 9 o'clock; the scholars generally cannot get home from the mills, take their supper, wash and clean themselves, and reach the schoolrooms in less than one and a half hours; and if the school hours are to be curtailed, the routine of instruction will be so interrupted as to be productive of serious injury."

This memorial was signed by the vicar and six other clergymen. He would next read them the opinion of the vicar of Leeds on this question:—

> "The loss of the half hour in the evening of every day is a serious evil. It cuts off just that much time which might otherwise be devoted to moral, intellectual, and religious improvement. Returning home, washing and dressing themselves, and getting their tea, will take little short of one hour and a quarter. The young people can hardly be at school before half-past seven. They ought not to be there later than nine; thus they will have half an hour's less teaching than there would be if they left the factories at half-past five."

Instead, therefore, of the addition of this half hour being attended with practical results so unimportant as hon. Gentlemen would lead them to believe, it would have a most important practical effect on the education of the rising portion of the manufacturing community. He would ask those who were engaged in passing this Bill, how they could reconcile it with the discharge of the important duty they had undertaken, to take away the time set apart for the moral and intellectual improvement of a great portion of their fellow-creatures? But he would be told he did not take into consideration the great boon of half an hour offered by the Government on the Saturday. He had considered it, and, so far from regarding it as a boon, he thought it was productive of no insignificant evil; and when the House bore in mind that the factory people on Saturday worked four hours and a half continuously and then went to dinner, and afterwards returned to the mills to perform that part of their tasks which was admitted on all hands to be the most severe, the hardest, and most exacting of all their toil, and reflected that under the Government measure they would have to work five hours continuously on Saturday, and then, unrefreshed and without having their dinner, would go to the most severe of their working hours of labour, he thought the House would agree with him, that so far from this half hour being a light or trivial matter, it was a most serious and crying evil. No Englishman liked to work upon an empty stomach, and yet it was now proposed that these people should work longer on Saturday, when their labour was most severe, without their meal. It was indeed a compromise of nothing, unless it were of the rights of the people and the honour of Parliament. Were he a political supporter of the Government, he should regret the course they had taken, even on partisan and political grounds; but as an opponent of their political policy, he did regret it on national considerations. He thought it was not well that any portion of the working people of this country should be taught by the sworn maintainers of the law and order that wealth was more powerful than justice, and that agitation, more formidable than the secret pressure of associated mill-owners, was required to procure from the Executive Government the sanction of Parliament to the admitted rights of the people. The Act which it was now proposed virtually to repeal, was granted to the people with the deliberate consent of all branches of the Legislature, and was ratified in a peculiarly solemn manner by the special approbation of that Gracious Lady who reigns over us. Was it well that the Government should invite the House to come to a vote that should compel Her Majesty to return into the hands of the working people that testimonial which She had been so graciously pleased to accept from them? Upon the reverse of that medal purchased by the pence of Her toiling subjects, and cherished as he knew by Her Majesty as one of the not least glorious of the many trophies attached to the Imperial Crown She wore, were inscribed the words "The Ten Hours Bill." Was it well that the Ministers, the confidential advisers of that Sovereign, should ask the House now to come to a vote which should render that precious medal a most meaningless coin, or, if it meant anything, that it should be a memorial of the inconstancy of Parliament, of the levity or fickleness of the Government, or of the folly of the people that would confide in either? Let not the House come to a decision on this question with their eyes closed. Let not Members flatter themselves that, by rejecting the Amendment, they would settle the question and put an end to agitation. Did those who had a dread of professional agitators and demagogues, and wished to remove all the materials of seditious agitation, imagine that they would attain their object by adding two hours to the toil of a great body of the working classes? Was there a Socialist or Chartist, dissatisfied with the institutions and form of government established in this country, who would not point exultingly to Parliamentary fickleness, levity, subservience to wealth, and indifference to the claims and rights of the poor? They would point to the vote of the House and say—

"Hoc Ithacus velit, et magno mercentur Atridæ."

Depend on it, that by adopting the course recommended by the Government, the House would place arms in the hands of those men, and arguments in their mouths; and this would be the result of what was Jesuitically recommended as a settlement of the question! Most earnestly did he deprecate that result, and invited the House to avert the threatening mischief. If further evidence were necessary to justify the course which he recommended, it might be found in a declaration which the hon. Members for Manchester made, after the Ten Hours Act passed, to a deputation of millowners who waited on them for the purpose of ascertaining whether there was any chance of obtaining a 12, 11, or even a 10½ hours Bill. Upon that occasion the hon. Members for Manchester declared that so strong was the feeling of the House of Commons, that it was pledged to the Ten Hours Bill, that it was impossible for them to hold out the smallest expectation that any one of these propositions would be adopted. He hoped that the hon. Members for Manchester would prove correct exponents of the feeling of the House. At any rate he invited the House to redeem the pledge which they had given, and to prove to the working people of this country that they attached more value to the declared intentions of an Act of Parliament, to the claims and rights of the working people, and to the beneficial working of the Act which Her Majesty had sanctioned, than they did to the back-stairs influence and coffeehouse combinations of any set of associated millowners. He appealed to the ancient spirit of English honour in vindication of the rights—the admitted rights—of English labour; he appealed to the House to show that they were not only in name, but in very deed and reality, the representatives of the Commons of England.

Amendment proposed, page 2, line 14, to leave out the words "after six," and to insert the words "after half-past five," instead thereof.

Mr. HORNBY, in seconding the Amendment, said, that if anything could tend to reconcile him to the loss caused by the desertion by the noble Lord the Member for Bath of this Bill, it was the fact that they had found so able a successor in the noble Lord who had just addressed the House. For his part, he could never understand what was the great difficulty in amending the Act of 1847. The Government had proposed to amend it by limiting the hours for labour from six in the morning till six in the evening; but he could not see why the remedy could not have been as easily provided by limiting the hours from six in the morning till half-past five, as now proposed by the noble Lord. He had not heard a single argument advanced in the course of the various debates on this subject to show that there was the slightest ground for insisting upon this additional half-hour being taken from the workpeople. With regard to the advantages which had been predicted from the operation of the Ten Hours Bill, he asked whether they had not been realised to the full extent? They had the testimony both of inspectors and medical men, that the limitation of the hours of labour had distributed labour more equally, had increased social comfort, and had led to more moral and orderly conduct among the population. A working man with ten children, who went with a deputation to the noble Lord opposite, told him that a certain number of his children worked under the relay system, while others worked for masters who adhered to the law. Those who worked under the system of shifts were dreadfully harassed, and had no time to attend school, while the others were enabled to improve their education, and to mend and make their own clothing. Why, then, was the House asked, on account of the obstinacy—for it was nothing better—of a small section of the manufacturers, to repeal an Act concerning which not a single prediction of advantage had been unfulfilled? He asserted that very few millowners had violated the Act; and he believed that the indignation of those who were employed would very soon have compelled those who evaded it to comply with its provisions. The people were told, when the repeal of the corn laws was in agitation, that if the corn laws were repealed, they should have twelve hours' wages for ten hours' work. The hon. Member for Manchester, following the hon. Member for the West Riding, had said so on more occasions than one, observing also that, if the corn laws were repealed, the masters and men would come to a satisfactory arrangement with regard to the hours of labour. How did the hon. Member reconcile that with the statement which he made in this House not long ago, that the master manufacturers were so much annoyed at these restrictions, that they would not consult the convenience of those whom they employed? The corn laws were now repealed; sugar and other necessaries of life were much cheaper, and, after such a declaration as that, following upon the promises previously made, the operatives could have no confidence in the masters unless they were protected by the strict letter of the law. The hon. Member for Manchester had charged the advocates of a restriction of the hours of labour with ignorant sentimentalism. Everybody, however, knew that the unfortunate children employed under the relay system were obliged to be at the mill, in the most inclement weather, at half-past five to a minute, and then were told that they were not wanted for two or three hours, and in the mean time might dispose of themselves as they liked. He was sure that the hon. Member would not be accused of sentimentalism if he defended this odious system. He did not know why Her Majesty's Government opposed this Amendment. In 1844, during a critical state of parties, and when the Members of the present Government sat on the Opposition benches, the right hon. Member for Tamworth being Premier, the present First Lord of the Treasury said—

> "He was much struck with the statement of the hon. Member for Leeds, that, out of seventy owners of mills, forty were ready to adopt ten hours, and had signed a petition to that effect. Now, when they were told of the alarm which existed (and he believed alarm did exist) at their legislation on that subject, was it not something to be urged in support of the principle, that practical men, who, it might be thought, ought naturally to have opposed it, were ready to adopt the proposition? It was a difficult thing to interfere with toil, but the time was come when he thought they ought to do so. And if he were called upon to point out another measure of relief, it would be that which would allow of a greater supply of food; thus insuring the double boon of diminished labour and increased enjoyment of the necessaries of life."

On the same occasion the right hon. Baronet the present Secretary for the Home Department said—

> "They should look to the reasonable wishes of the great body of operatives, and approach ten hours gradually; that they were fully competent to take a just view of the question; that they had admitted to him that they had expected a reduction of wages, and that the evidence preponderated in favour of ten hours."

If the evidence then (in 1844) preponderated in favour of ten hours, why are we now to depart from the principle of strong, and it may be just, fears, even in the first instance entertained as to making the experiment; but the right hon. Baronet even then considered those fears to be groundless. The experiment has now been fully made—the anticipations of the opponents of the experiment have not been realised, and yet the right hon. Baronet now unites with those opponents in reversing a policy which upon trial has proved sound, and in every way unobjectionable. The House would recollect the struggles of 1844; and he took out of the division list the other day the names of ten Gentlemen who supported the noble Lord, leaving the right hon. Baronet the Member for Tamworth in a minority of eight. There was the hon. Member for Rochester, the hon. Member for Hertford, the hon. and gallant Member for Greenwich, the hon. Member for Plymouth, the right hon. Gentleman the Secretary of State for the Home Department, the hon. Gentleman the Under Secretary for the Colonies, the hon. Member for Lichfield, the noble Lord the Secretary of State for Foreign Affairs, the noble Lord the First Lord of the Treasury, and the hon. Member for Devonport. If, then, the House was called upon to revoke and alter the policy of 1847, the reasons for the change ought to be stated. If the right hon. Gentleman and the noble Lord wished to avoid the imputation of having, in 1844, acted on factious and party motives, they were bound to declare why they now came forward to oppose this Amendment. He called upon the House, if they regarded their character for honour and good faith, to refuse to allow the noble Lord, at the bidding of the hon. Member for Manchester, to deprive the operatives of what was their just and most indisputablo possession.

SIR G. GREY hoped the House would not adopt the Amendment proposed by the noble Lord the Member for Colchester. In the hope expressed by the noble Lord, that the House would not decide the question in ignorance of facts, and with its eyes closed against them, he entirely concurred. If any Member had come into the House uninformed upon the question, and heard only the speeches of the noble Lord and the hon. Gentleman who had just spoken, they would be wholly ignorant of the real merits of the case. The hon. Member for Blackburn, who last addressed the House, taunted him and his colleagues with giving a vote in 1844, when sitting on the other side of the House, which they were now prepared to nullify in deference to the secret advice of the hon. Member for Manchester. The hon. Member ought, however, in candour, to have mentioned that the Members of the Government, to whom he referred, when holding their present offices, voted in 1847 in conformity with the vote which they gave in 1844. That fact, in itself, was a sufficient answer to the contrast which the hon. Member sought to establish between the vote of 1844 and the course which the Government was at present taking; but he would go further than that, and show that what the Government now proposed was quite consistent with the spirit of the Act of 1847, and the attainment of the objects sought to be secured by that Act. It was his firm conviction that the object of the Act of 1847 would be better secured than it yet had been by the adoption of the Bill before the House, whilst, at the same time, the attainment of that object would have the concurrence and assent of the great body of millowners—an advantage which he had always desired to obtain in the settlement of this question. It must not, however, be supposed that the supporters of the Bill were acting only on information received from the millowners, which was the impression the noble Lord the Member for Colchester and the hon. Member for Blackburn sought to convey. On the contrary, the Government had derived information from various trustworthy quarters, and the result was a conviction that the benefits which the honest advocates of the Act of 1847 sought to obtain for the working classes would be secured by this Bill, and that when passed into a law the measure would prove satisfactory to the operatives themselves. The noble Lord and the hon. Member insinuated that Ministers were acting as mere machines for carrying into effect the will of a Secret Committee of millowners; but the fact was, that the Government had received deputations from the operatives, had listened to their opinions, and had been in communication with them as much as with any other parties. The noble Lord had needlessly spent twenty minutes in showing that when a clerical error crept into an Act of Parliament it was the duty of the Legislature to pass another Act to correct it, and to give effect to the intention of the original enactment. No doubt existed upon that point; but there was no clerical error in the present case. The operatives themselves did not treat the matter as being a clerical error, but begged the Government to abstain from all legislation on the subject until a court of law should decide on the construction of the Act. Every facility was given by him for obtaining a judicial decision on the point, and when it was obtained it proved to be adverse to the construction which the operatives wished to put upon the Act. Then, the noble Lord the Member for Bath, feeling that it was the intention of the Legislature not to permit working by shifts and relays, asked for leave to introduce a Bill to give effect to the intention of Parliament on that point. To that proposition he (Sir G. Grey) offered no obstruction, although he told the noble Member for Bath that he would not find it as easy to effect the object he had in view as he imagined, because it was not a clerical error with which he had to deal. The Government offered no opposition to the second reading of the Bill; but, after it had been committed, the noble Lord discovered that it would not effect the object which he had in view. The Bill was recommitted, and a fresh clause introduced; but it was not long before the noble Lord found that this, too, would be inoperative for the attainment of his object. In that view of the subject he (Sir G. Grey) entirely concurred, for the factory inspectors assured him that it would be as easy to evade the proposed enactments as the provisions of the existing law. It was under these circumstances, and not until the noble Member for Bath had avowedly failed in framing an enactment to effect the object he had in view, that he (Sir G. Grey) came forward with his proposition. It was painful to hear the noble Lord the Member for Bath traduced for his conduct in reference to this question. The hon. Member for Blackburn, and also, he was sorry to say, the noble Lord the Member for Colchester, had spoken of the noble Lord the Member for Bath as being a deserter from the cause of which he had been, in times past, the faithful and, some thought—though he (Sir G. Grey) was not one of them—the too zealous advocate. The noble Lord the Member for Bath seeing that the course proposed on the part of the Government was an honest course, according to his view, said he would offer no opposition to the proposition they had placed on the table of the House. Among the supporters of the Motion of the noble Lord the Member for Colchester the name of the noble Lord the Member for Bath would not be recorded. Any man of common sense might see that it was easy to substitute half-past five for six o'clock, and subtract half an hour from the working time; but if they did that they would take only a one-sided view of the case; they might adhere to the letter of the Act of 1847, but they would disregard the undisputed intention of their legislation, namely, that the millowner should have a range of fifteen hours—a range productive of great convenience to him. Feeling that in the proposal now before the House, benefits would be secured to the millowner on the one hand, and that benefits were secured to the working classes on the other hand, which were not secured by the existing Acts, the Government did feel that they were acting entirely in the spirit of the Act of 1847 in submitting this proposition to Parliament, and in asking the House of Commons to accede to it. What was the state of the case? There was a range from half-past five in the morning to half-past eight o'clock at night under the existing law, within which women and young persons might be employed. Under that law the relay system was acted upon—a system which was convenient for the millowner. But it had interfered with the benefits intended to be secured to the working classes. They were deprived of the advantage of the evening hours, during which they might apply themselves to education and domestic occupations. Supposing the noble Lord the Member for Colchester could have remedied by a stroke of the pen what he called a clerical error, it would only be by providing that the ten hours' labour should be continuous. The inspectors pointed out that, if it were meant to secure for the operatives the advantage of the proposed limitation, it must be enacted that one hour and a-half only should be allowed for meals. The millowner began about six o'clock in the morning. If the clerical error were corrected so that one hour and a half only were allowed for meals, the working time ended at half-past five. Supposing the millowner disposed to evade the law, he might propose to give three hours for meals instead of an hour and a half. Immediately two hours would be added to the period between the commencement and conclusion of work. It was all very well for the noble Lord to superadd the provision that an hour and a half should be the maximum for meals; but that was not the correction of a clerical error by the stroke of a pen; it was the introduction of a new measure. And that the noble Lord the Member for Bath felt. He said he could not introduce new restrictions, but, seeing the advantage which would attend the proposition of the

Government to the millowners as well as the labourers, he left the matter in their hands, and would offer no opposition: such was the language he used, believing that they were acting for the benefit of the operatives. A charge of inconsistency had been brought against him (Sir G. Grey); but he was not ashamed of being charged with inconsistency under the circumstances he had stated. He voted for the Act of 1847, which he believed to be for the advantage of the working classes; but he utterly denied that the proposition of the Government would take away the boon secured to the working classes under that Act. The noble Lord the Member for Colchester had alluded to the reports of the *Morning Chronicle*, and had given a *resumé* of the advantages derived by the working classes from the Act of 1847. The great advantages were, that they had their evenings uninterrupted for the purposes of education, recreation, and domestic employments. Well, under the present Bill the labouring classes would be free, at six o'clock in the evening, to spend their time as they pleased, which was not the case under the existing law. He was surprised to hear the noble Lord the Member for Colchester say, that one hardship under the Bill would be the half-holiday on Saturday. This was the first time he (Sir G. Grey) had heard any suggestion of that kind made; and from various quarters he had received assurances that the greatest value was attached to the free enjoyment of half the Saturday, and that the operatives looked upon it as an additional boon not secured to them under the existing law. The noble Lord the Member for Colchester spoke of good faith and honour, as if there was a breach of good faith and honour in acting in the spirit rather than in adhering to the letter of previous enactments. He hoped the House would not be led away by declamation from adopting a measure which would, in his opinion, be satisfactory to the great body of operatives in this country. He did not mean to say there were not many men who would desire to see restriction carried further, and would support the noble Lord the Member for Colchester if he proposed an eight hours Bill; and if the noble Lord thought the whole of the operatives would be satisfied even with his measure, he would find himself much mistaken. He (Sir G. Grey) was ready to repeat the opinion, which he did not recollect having expressed, but of which he had been reminded to-night, that he thought it desirable that Parliament should attend to the reasonable wishes of the operative classes, and that those classes should feel that their interests were cared for in that House. There were reasonable men among them; and such, he believed, were the great majority who would be glad to see the Bill before the House carried into effect; and he hoped the House would not, in deference to the arguments which had been urged against it, reject what, in his opinion, afforded a fair prospect of a satisfactory solution of this difficult question. The House was now in possession of the facts of the case. It was for them to decide; and he should only say, that if the House should think fit to depart from the settlement of 1847, by imposing another and a great restriction on the hours of labour within which millowners might employ the classes to which this Bill applied, he should regard that as such a departure from the spirit of the existing Acts, that he should feel bound to take no further charge of the Bill which the noble Lord the Member for Bath had introduced.

Mr. BANKES said, that he was glad to find any confirmation of the fact that the object of the Bill was to make a satisfactory settlement of the question. The right hon. Gentleman the Home Secretary, however, had entirely failed to answer the arguments of the noble Lord tho Member for Colchester. They ought to observe that a very large proportion of the Bill, instead of being a boon, was an acknowledged loss; and they had the hon. Gentleman who seconded the Amendment stating that this shift and relay system met with so little favour from the manufacturers themselves, that public opinion alone, in his judgment, would be sufficiently powerfully to set the question at rest if the law were to remain as it was; and it was for the House to consider whether it would not be better that no Act should pass at the present moment, which would be, in 99 cases out of 100, a loss and no gain whatever. The right hon. Gentleman the Home Secretary seemed to think a great deal of the comparison which had been drawn between his conduct and that of his Colleagues in 1844. It was impossible not to see that there was a most essential variance between the doctrines held out by hon. Gentlemen when sitting on the the Opposition benches and their opinions and acts when in power at the present moment. With respect to his noble Friend the Member for Bath, he was confident that in every step he had taken in this matter, he had been guided by the sincerest desire of acting in conformity with what he had said, to the effect that he thought it would be a good compromise for the working people. But why should they have compromises at all? Was it any error of theirs that the Act of 1844 was insufficiently framed; and had they, in any respect, by their conduct when brought under the operation of the Act, failed to fulfil the provisions made on their behalf by those who had advocated their interests? They had obtained an Act, not by favour but by right (for it was their right)—an Act not passed in a hurry, but gradually and solemnly, with the universal sanction and approbation of the Legislature. Why were they to be told they were to have a compromise? They had a proof that this compromise was not altogether satisfactory to his noble Friend; but this he knew, that he considered it a most essential part of the benefit which had been obtained to the working people by this compromise—namely, to secure opportunities of education and mental cultivation for their children. When, on this point, the right hon. Home Secretary told the House that it was a great boon that the hours were limited, he doubted whether he understood the full benefit of the Bill he was sanctioning. Let him (Mr. Bankes) tell him that the range of hours with regard to children was from half-past five in the morning till eight in the evening, and that the boon of the range of hours was not secured to children by the operation of this Bill, in respect to which the greater part of the public thought that to be the chief object of the Bill. He felt that he should ill occupy the time of the House, after the admirable manner in which the noble Lord the Member for Colchester had introduced the Amendment to their consideration—an Amendment which had been seconded by a Member of practical knowledge, who had stated what were the opinions of the master manufacturers, and the wishes of the operatives; but he had heard nothing from the right hon. Baronet at the head of the Home Office that answered either those feelings touched upon by the noble Lord who moved the Amendment, or those facts which were adverted to by the hon. Gentleman who seconded it. His noble Friend desired that the Bill they had provided should be effectual for the object they had in view; and he said, let that which is to be satisfactory to them be given to them, not as a compromise, but as a right which you the Members of the Legislature have already agreed to accord.

Mr. STANFORD thought the country would have a very unfavourable opinion of the House if, after coming to a decision in favour of an enactment supposed to be intelligible to all the world, declaring that ten hours was to be the duration each day of a factory workman, that principle was not to be confirmed by Parliament when an opportunity was presented to them by the circumstances of a legal decision being adverse to the principle contained in a former measure. That statute having been in effect thus set aside, the operatives came now to the House to ask us to put them in that position in which it was evidently intended by Parliament they should be placed by the former measure. He could not understand how the House could come to any other decision now than that it was the intention of Parliament to place them. He did not wish to treat this question with ridicule, but he could not avoid comparing the decision that had been come to to a nursery rhyme—

> "Humpty Dumpty sat on a wall,
> Humpty Dumpty had a great fall,
> And all the King's Ministers and Parliament men
> Could'nt set Humpty Dumpty on the wall again."

He could not entertain the slightest doubt but that the noble Lord the Member for Bath was influenced by the most honourable and conscientious feelings in the course he had taken in reference to this Bill, as well as to any other to which he had been a party. He (Mr. Stanford) would give his cordial assent to the Motion before the House.

Mr. NEWDEGATE said, he had listened with much attention to the speech of the right hon. Baronet the Secretary of State for the Home Department, who had informed them that there had been a misunderstanding of the Act of 1844, when that Act was tested by the operation of the measure of 1847, and he would now ask him this question: Did the right hon. Gentleman, or did he not, when, in 1847, he voted for the Ten Hours Bill, intend to restrict the hours of factory labour to fifty-eight hours per week? Would—and he now addressed himself to the hon. and learned the Attorney General—would the insertion of the words proposed by the noble Lord the Member for Colchester invalidate the legal form and effect of this Bill if passed? [The Attorney General: No!] If not, why then not introduce words that would limit the hours of labour to fifty-eight per week? Really the right hon. Baronet the Home Secretary ought to explain this—why he supported the limitation of the hours of labour to fifty-eight per week in 1847, and now proposed to add two hours to that limit. That was the essence of the compromise, as it was called; but they—the advocates of the operatives' cause—maintained that that which was the original object of Parliament in regard to this subject, and had been sanctioned by Parliament, was their right; and whilst they were much obliged to the hon. and learned Gentleman the Attorney General for his legal assistance in giving effect to the intention of the former Act, they, at the same time, thought that such assistance was somewhat too dearly purchased by the addition of two hours per week to the present hours of labour of the working man. He must say he did not think it was creditable to the Government to take away two hours from the operatives' leisure for his own purposes, because they had found a difficulty in the construction of a few words in an Act of Parliament. He trusted that in private life he kept his word, and in his place in that House he would do so. In his opinion, those who now gave up the Act they voted in favour of in 1847 did not keep their words with the factory operatives of this country. The majority of the people of this country looked upon Parliament as having broken faith with the colonies, with the farmers, and with the shipowners; and if they now did the same thing with the operatives, he must assure them that they were taking a course which would lead to more serious results than they would seem to be aware of. For his own part, he had always imagined that this system of what were termed compromises always involved something either more or less than what they ought to do, but not what they ought to do; and he was persuaded that, in the long run, they would find that the adoption of such a course was an inexpedient arrangement. It was his intention to vote for the Amendment.

Mr. MUNTZ would ask the manufacturers who refused the limit of ten hours, whether they ever did work the ten hours, and whether, if they did, they did not find it more than enough. However, that was not the question. The real question with hon. Members of that House was this: What did they vote for in 1847? Did they mean to give the people a *bonâ fide* Ten Hours Bill, or did they not? As far as his own memory served him, every man that voted for the Act of 1847 fully intended that the parties to whom it referred should have a *bonâ fide* Ten Hours Bill. Would, then, this measure of the Government give the people that, or would it rob them of two hours per week? He thought it would rob them, and he asked the House if they were doing that, what would they say to the operatives if they came to that House and said, "You have passed a bungling measure—you see you have, and it is your own fault; but it is now our turn, and we will have something in our own favour if we can—we will now have only fifty-six hours per week instead of fifty-eight?" This compromise that was now proposed was, to use a commercial analogy, like proposing to a man to whom one had given a bill for 300*l.* to take 290*l.* for it. He felt he could not take away two hours from the working men—two hours which he had participated in the giving to them—as an honest man; and wishing to act honestly by the people, he could not vote otherwise on this subject than he had done in 1847. He should, therefore, give his support to the Amendment of the noble Lord the Member for Colchester.

Mr. HEALD did not feel justified, representing, as he believed he did, the third largest cotton-consuming population on the face of the globe, to give a silent vote upon this occasion; and, considering the large number of factory operatives in the borough which he represented, he thought he might state that he represented their opinions in the vote he was about to give. He confessed with frankness that he had never approached a subject to which he had felt it necessary to give a more careful and anxious consideration, and the conclusion at which he had arrived was based simply upon the dictates of conscience and honour. He certainly agreed with the hon. Member for Montrose that it was not only a delicate but a dangerous thing to interfere much with the question of labour; and, taking into consideration their mixed character and the dependency of one class of operatives upon another, he thought it was possible to err by legislating too much upon the subject. He had never been able to see why the hours of factory labour should exceed the ordinary period for the toil of man, namely, from six to six; and when he first saw the letter in the *Times*, and afterwards the Bill proposed by the right hon. Baronet the Secretary of State for the Home Department, he thought at once that it was approximating more closely to his own views of what ought to be the standard for the regulation of the hours of labour in factories than anything he had seen before. If this were an open question, therefore, he should have had no difficulty in recording his vote; but his present difficulty arose from the question being so much fettered by previous legislation. He had formerly been in communication with the chairman of the Limited Hours Committee in his own district, and had presented many petitions from them, all agreeing in asking for a 58 Hours Bill in its integrity. When, therefore, the noble Lord the Member for Bath communicated to him, the night previous to his letter appearing in the *Times*, the nature of that letter, he at once wrote down to the chairman of that association, stating the case to him; and, since that time, he had not heard a single word in reply. From this and other circumstances, he was persuaded that there had entered into the minds of the factory operatives a strong conviction that it was the honest intention of Parliament to have given them a Bill limiting their hours of labour to fifty-eight in the week. He believed that it was about the most dangerous thing the House could do to weaken in the minds of those people their perfect belief in the integrity and honour of the British Parliament. He knew the danger of a system of agitation being again allowed to organise, for if it were, no one could tell to what length it might extend. He felt, therefore, after the most serious and conscientious examination of the bearings of this case, that the House would gain by coming to a decision which should maintain the high standard of honour of the British Parliament, although for the time being he confessed they might suffer some inconvenience. In addition to this, there was a question of the supply of cotton to these mills, and he agreed that unless a larger and more certain supply of cotton was insured, there would not be sufficient on the average for some years to come to employ the factory operatives ten hours a day. Under these circumstances he was bound to the conclusion, that conscientiously, and as a man of honour, he must support the Motion of the noble Lord the Member for Colchester.

Mr. HEYWOOD said, that it appeared to him, in a case like the present, in which a Bill had been passed some years ago by Parliament, on which the masters were not consulted in any way, that it was perfectly open to Parliament to reconsider the matter; and it was very well known that the master manufacturers themselves would be glad of eleven hours per day. In his opinion, the Bill might be made to work very harmoniously, by the proposed alterations, and to create a much better feeling than had hitherto existed. He should, therefore, give it his support.

Mr. W. J. FOX said, he thought it had been generally agreed on both sides of the House to throw over all arguments as to the policy of the Act of 1847, that having been already settled. He considered that what they had to do on the present occasion was not to discuss its policy, but to fulfil its requirements. He had heard no valid reason for the alteration of that policy. The exigencies of trade did not require it. They had heard that no mill, on an average, worked ten hours; while, on the other hand, they could not expect to satisfy its opponents, seeing that the Millowners' Association of Manchester had declared unequivocally for 11 hours a day. Such would always be the case if they persisted in this unhallowed compromise, which, in fact, compromised nothing but the faith and honour of Parliament. The great majority of millowners had conformed to the Act, and yet were not ruined. The cotton trade had not gone to the dogs. As to the parties more immediately concerned, its results had been satisfactory beyond calculation. Its good effects, which were described in the last report of the factory inspectors, must be most gratifying to Parliament. There was nothing unreasonable in the limitation established. In 1833, when they abolished slavery in the West Indies, they limited the labour of the apprentices to 45 hours a week, while the factory operative was content to work 58. In 1849, they assigned 7 hours as the day's work of the Hill Coolies, while the factory labourer willingly gave 10. What they asked now was simply, that the House should keep faith with them. There could be no doubt as to how the Act of 1847 was understood by them who were its objects; and they had the authority of a great moralist for stating that a promise was binding in the sense it was understood by the person to be benefited, that understanding being affirmed at the time by the parties by whom it was made. Taking the Act of 1847 in that sense, he felt bound to vote for the Amendment.

Mr. Alderman SIDNEY said, the question was, whether the Bill granted in 1847 was to be renewed now, or whether advantage was to be taken of a technical error, and 58 hours a week substituted for 60. The Government would deceive themselves greatly if they considered that this Bill would be a settlement of the question; and remembering, as he did, the excitement that prevailed in the manufacturing districts in 1830, the monster meetings that were held, and the agitation that was organised, he warned the House against again giving occasion to such proceedings on the part of the factory operatives of the North. The operation of the Ten Hours Bill since 1847 had been most satisfactory —the manners, the morals, and the habits of the people had been essentially changed —time had been afforded them for reflection and recreation, and they had been taught habits of providence; why, then, when this was the case, and when the maximum amount of labour imposed upon criminals was 10 hours a day, from which one hour was to be deducted for exercise and another hour for instruction, should they condemn women and young persons under 18 years of age, in factories, to labour 10½ hours a day? He entirely concurred that this was a question in which the honour and integrity of the House were concerned, and he should support the Amendment.

Mr. W. PATTEN said, this question had been hitherto improperly argued, simply and solely upon the assumption of a contract having been entered into between Parliament and the operatives. The fact was this—in 1847 the Ten Hours Act was passed, after many years' discussion; and even then with a strong feeling on the part of many of the impolicy of the measure. Since then, as the representative of the county of Lancaster, he had been requested, over and over again, to endeavour to get the Act modified; but he had always advised his friends not to interfere with the decision at which Parliament had arrived. Now, however, when an opportunity offered, he thought it was perfectly legitimate for those who had opposed the Bill of 1847 to come forward and urge their objections to the system. In doing so, he held that they were guilty of no breach of contract, but that they assisted in an honourable compromise. It was a great ingredient in the success of any law, that, in carrying it out, it should receive the cordial co-operation of all parties concerned; but there were hundreds in his county who would oppose the Bill if amended as proposed by the noble Lord, who would yet give it their cordial co-operation if the proposed compromise was accepted. He had accompanied a deputation of master manufacturers to the right hon. Baronet the Home Secretary, who were entirely opposed to the law, but who had offered their cordial co-operation in carrying out the compromise. His belief also was, that the compromise was approved of by all the enlightened operatives. Believing, then, that he committed no breach of contract, and that a compromise was the best thing for all parties, he should give his best support to the Bill as it stood.

Mr. C. ANSTEY said, that the case of the cotton spinners of Lancashire had been fully stated by their representatives. The hon. Member for North Lancashire had denied the existence of a compact with regard to the Bill of 1847, because the millowners were not consulted. But the hon. Member should recollect that for 16 years before that time there had been a constant struggle between the operatives on the one hand, and the *laissez faire, laissez passer* people on the other. The millowners were worsted, and the operatives reaped the benefit. Since then almost every millowner had acted under the law as if he construed it as it was now sought to be construed by the Amendment. Was it, then, to be contended that society was to be torn up, and the operatives oppressed, to gratify the cupidity of a few millowners? He was sure that there could be but one opinion on the subject as to the arguments by which the compromise was sought to be made palatable to the operative. The right hon. Baronet the Secretary of State for the Home Department, clinging to the habits of the Western Circuit, had told them, that if they wanted to know the meaning of an Act of Parliament, they should read the volume of the Statutes at large in which it was contained. That might be a very good argument for quarter-sessions, but it was a very poor one for the floor of Parliament. The right hon. Baronet should remember that the business of Parliament was not litigation, but legislation. The meaning of the Act was to limit the labour of the operative to ten hours a day; and for that meaning he should vote in supporting the Amendment. A pledge had been given, not by the millowners, but by the House of Commons in 1847; that pledge he wished to see carried out, and with that view should support the Amendment.

Mr. B. COCHRANE wished to ask the right hon. Gentleman the Home Secretary whether he had not denied that this was an amended Bill, or an alteration of the law, as he found the Bill was accepted by the hon. Member for North Lancashire, on the part of the millowners, as an alteration in their favour. For his own part, he looked upon it as an alteration of the law, or, in other words, as a breach of the promise made by that House to the factory operatives. The right hon. Baronet talked of the concurrence of the manufacturers. That was not what he (Mr. B. Cochrane) wanted. He wanted the concurrence of the operatives; the Bill being passed for their benefit, it surely ought not to be altered without their consent. It was evident, from the allusion made by the hon. Member for North Lancashire to the interview, that there was a good understanding between the deputation of manufacturers and the right hon. Baronet the Secretary for the Home Department; but that did not satisfy him (Mr. B. Cochrane). What he required was the fulfilment of that engagement into which the House had entered with the operatives. He cared not if the Bill stipulated for ten minutes only of work beyond the ten hours: he asserted *pro tanto* to that extent it was a violation of the engagement into which the House had entered. This was the only view he could take of the subject. He was astonished to hear the hon. Member for North Lancashire express so strongly an opinion that it would be no violation of a promise. He hoped, for the sake of the character of the House, and for that of the character of all those who voted on a former occasion, that the House would, to the fullest extent, carry out the pledge it had given to the operatives of this country.

Mr. S. CRAWFORD said, that in his communications with the operatives of Rochdale he had been called upon by them to give his vote in favour of maintaining the principle of the measure of 1847—to maintain that in its integrity. He held in his possession the names of forty-four proprietors of mills who were supporters of the ten hours system, and in thus laying before the House his own opinions in favour of the Amendment, he felt that he was giving expression to the sentiments not only of the operatives but of the millowners also. In legislating upon a question of this nature, the House was bound to respect the opinions of the working classes, and to accede to their reasonable desires.

Mr. GREENALL said, that he felt more difficulty in the course which he had resolved to pursue in consequence of what had fallen from the hon. Member for North Lancashire. Upon the present occasion he (Mr. Greenall) had no choice open to him. He was in almost daily communication with the operative classes upon the subject, and it would be next to impossible for any one to over-estimate the intense interest with which they regarded this question. Their feelings were alive and strong on the subject. The measure of 1847 was one which they had struggled all their lives to obtain, and they lost it by no fault of theirs; it evaded their grasp by a mere Parliamentary blunder. It was, at all events, his determination not to let the working man be able to say that he had not kept faith with him. As to children, they would be great sufferers by the proposed change. The severity of factory labour would now fall principally upon them; and having said thus much, he trusted that he had fairly laid before the House the grounds of the vote that he intended to give.

Lord J. RUSSELL: I rise, Sir, to state the grounds on which I shall support my right hon. Friend the Secretary of State for the Home Department. The hon. Member for Oldham has argued this question as if the Bill of 1847 has proved entirely satisfactory—as if its provisions are indisputable—and as if the millowners are coming forward seeking to alter and amend that Act. Now, that I think is as far as possible opposed to the fact. For my own part, in 1847, I considered the Act of that Session was a great advantage to the families of the working classes belonging to the mills. I considered it enabled them to have time for their domestic duties, for education and instruction, and for such other improvements in their social condition which could not otherwise be effected. I did not think it likely to justify the predictions of its opponents, that it would destroy one-sixth of the manufacturing power of the country, and thereby occasion a great diminution of the wealth and industrial power of the empire.

Sir, I still retain the opinion I then gave. I believe the Act of 1847 was founded on sound principles, and I have no wish to repeal that Act. Indeed, being a supporter of that Act, for my own part I should have been quite willing, and thought it would be the best course, to leave the measure entirely undisturbed during the present Session—to leave its provisions to the interpretation put upon it by the courts of law, and not to evoke the intervention of Parliament to make any explanation or alteration of that Act. But who was the first to wish an alteration? Was it any of those who contended that twelve or eleven hours a day ought to be the time fixed for factory labour? It was my noble Friend the Member for Bath, who came forward on behalf of the factory operatives, and as the advocate of the young persons engaged in factories, and said it is absolutely necessary to call for the interference of Parliament with respect to that Act. Well, then, Sir, if I am bound against my will to pronounce an opinion regarding that Act, I must look at it in conjunction with former Acts, and see what it does and what it does not do. Some seem to regard it as if it decided the whole question, and gave all that the present Bill proposes to confer. But that is absolutely not the case. There is no provision in the Act of 1847, or in the Act of 1844, that these persons shall not be employed at any time between six and six—that they must not begin earlier than six in the morning—and not finish later than six in the evening. On the contrary, these Acts provide that this class of persons may begin work at half-past five, and that the conclusion of their labours shall not be later than half-past eight. There are here not twelve hours, but fifteen hours, according to these Acts, during which labour can be performed. Therefore, I cannot conceive why it can be said that the proposal of the noble Lord the Member for Colchester that they shall work no more than ten hours, and that these ten hours shall be taken between six and six, are merely carrying into effect provisions which Parliament has already enacted. And as to there being any breach of faith in making any alteration in that Act, why, the noble Lord himself proposes a very considerable alteration when he makes an entirely new restriction with respect to factory labour. There was, indeed, a forced construction of that Act saying that if any person began work at half-past five, and if any person afterwards came at twelve, one, or two o'clock in the day, the last person should be construed to have begun work at half-past five, with the first. That, I think, was a forced construction of the Act. But this, at all events, was indisputable. It was in the power of the millowner to bring in young persons at half-past five, and keep them till five in the afternoon, giving an hour and a half for meal-times; or to begin at nine o'clock, and continue till half-past eight in the evening. Therefore, any Bill which proposes that they shall only work between six and six must be a considerable alteration—must impose a fresh restriction, and, as I think, give a fresh benefit to these classes. Now, I ask whether, being called upon to legislate by the noble Lord the Member for Bath—whether, if you place fresh restrictions on the employers of these young persons, by obliging them to give up three hours out of the fifteen during which they may at present employ them, and thereby so far diminish their power of employment, it is not fair, on the other hand, to say that the hours of their labour shall be somewhat lengthened, so that on the whole, according to the Bill of my right hon. Friend, two additional hours per week shall be given to the millowners? And, seeing that we have departed from the Act of 1847 and the Act of 1844, I think the question really for the House to consider is, whether this arrangement is, on the whole, an arrangement that will be beneficial to the operative classes and their families, and to which they can agree. But the hon. Member for Stockport, who is going to vote against my right hon. Friend, says, he has no doubt, on the whole, that the classes for whose benefit the Act of 1847 was originally passed, will derive considerable advantage from these enactments. Well, then, I say, if that be the case—if they are to derive benefits from these enactments, and if the millowners, on the other hand, who originally contended for twelve hours, and for the last two years have asked for eleven hours, are contented that this Bill should become law, is it not consonant with the wisdom of Parliament to endeavour to make an arrangement, confessed even by some of those who oppose it, to be beneficial to the operative classes for whom it is enacted, and which, at the same time, is so far acceptable to the millowners that, according to the hon. Member for North Lancashire, many who entirely disagreed with the policy of this Bill, would consent to act with cordial good-will in conformity with the law, supposing this Bill to be passed? I say, then, if such an advantage can be obtained—and, according to almost all those who have spoken on the subject, it can be obtained—there cannot be any weight in the objection, that because you passed the Act of 1847, which is said to have had in contemplation an unrestricted ten continuous hours, you ought not to pass this Bill. Because it is obvious—and I think none will gainsay this—that the Act of 1847 never did contain any provisions that young persons should not work between six and six; and therefore, supposing the Bill to be carried with the noble Lord's alteration, it would not be a mere correction of a technical error in the Act of 1847, or the Act of 1844, but it would be in effect a new enactment, considerably more restricted, and thereby tending to that fresh agitation which it ought to be the wish of this House to avoid. Sir, with these opinions, therefore, being in favour of the Act of 1847, I still think it would be expedient that the House should adopt the proposal of my right hon. Friend. There is only one case in which I can conceive that the plan of my right hon. Friend would not be acceptable; but I think the same objection would be equally fatal to the proposal of the noble Lord. I can imagine the whole operative body in a mass saying we wish to maintain the law as it is; we object altogether to the alteration which you say will be to our benefit; we made a compact in 1847, and we require that it shall be abided by. Now, so far as I can learn, there is no such general and universal feeling on the part of the operatives of the manufacturing districts. My noble Friend the Member for Bath, immediately on the proposal of my right hon. Friend being announced, wrote a public letter, in which he earnestly advised all those whose cause he advocates to accept that proposal, which he declared would be advantageous to them. That was a considerable testimony, I think, coming from one who has studied this question so constantly and advocated it with such zeal and earnestness. We find that a great attempt has been made, as usual, by warm and impassioned language, to induce the operatives to think that faith is broken with them if this proposal is accepted; and they have been called upon with the utmost indignation to repudiate and reject it. But I do not find that these efforts have been attended with anything like the success which formerly attended the endeavours to induce the operatives to ask for a Ten Hours Act. As far as I can judge, the followers of this agitation have not been considerably numerous; and the hon. Member for North Lancashire tells us that, as far as he knows, all the most intelligent men among the factory operatives are opposed to the agitation, and wish this Bill to succeed. [Mr. W. PATTEN: The great body of the intelligent workmen—not all.] Well, then, if that be the case, there are good grounds for Parliament proceeding with this Bill, and not adopting the Amendment of the noble Lord the Member for Colchester. Now this proposition does certainly amend the law—it does propose a new enactment; but it proposes a new enactment, which, in the somewhat doubtful state of the law, after the decisions of the Superior Court, would give certain advantages to the two parties which have been in controversy on this subject. The advantage to one of these parties is, that their labour can only be performed between six and six, and cannot begin at half-past five, or extend to haf-past eight, according to the present law; and it does, on the other hand, give the employer the advantage of two additional hours a week. There is, therefore, a fairness and an equity in this proposal. But the proposal of the noble Lord is, to have new legislation, and to have it entirely on one side—not carrying into effect the law of 1847, containing no clauses like my right hon. Friend's proposal, but proposing fresh restrictions, and giving no advantage on the other side of the question. I think the proposal of the noble Lord, if it were carried, would be the signal for an attempt to prevent any further legislation at all on the subject, to rest satisfied with the Act of 1847, as interpreted by the courts of law, and thereby entail considerable disadvantage on the operatives. On these grounds, then, and believing this Bill proposes to confer great advantages on the class of factory operatives, and is at the same time a Bill acceptable to those who have hitherto contended against any legislative enactments to limit the hours of labour, and hoping that the measure will effect the settlement of a vexed and difficult question which the Amendment of the noble Lord will not settle, but cause to be agitated again throughout the country in a way which I think would be a great misfortune, I shall oppose the Amendment before the House.

With respect to a very great portion of the mills of this country which only work eleven hours and a half, the Amendment will make no alteration; but with regard to all those mills which work with shifts and relays, those shifts and relays will be put an end to by the Amendment, and that is another reason why this House should reject it.

Mr. ELLIOT said, he wished to point out to the House the difficulties which this Amendment would entail on the mills that were worked by water power. By tying these mills to particular hours of the day, they would not be able to compete any longer with the mills that were worked by steam; and the workmen dependent on the former must be thrown out of employment. In the winter months, work could not be commenced in these mills until the accumulations of ice that obstructed the supply of water were removed. These preparations often took till nine o'clock in the morning; and instead of being bound down to certain hours of the day, the operatives at present had to work when the circumstances of the mill would allow them. He appealed to the House, therefore, not to suffer such an injustice as this Amendment would inflict on this class of mills.

Mr. BROTHERTON said, he had always been favourable to any measures for ameliorating the condition of the operatives, and he conscientiously believed that this Bill would be highly to their advantage. The rejection of the Bill would carry dismay to the working classes, while it would give extreme satisfaction to those employers who had availed themselves of the range of fifteen hours to evade the operation of this Bill. It was said that the House were bound to carry out the Bill of 1847. But were they contented with the name of the thing rather than the reality? The present was to all intents and purposes a Ten Hours Bill. If the House rejected it, the relay system would become more general than at present, and the operatives would be some time before they got an enactment that would be beneficial to them. He should give the present measure his hearty support, and he should therefore vote against the Amendment.

Mr. EDWARDS: It is not my wish or intention again to intrude myself upon the notice of the House at this hour of the evening and at this stage of the Bill, having already experienced so much indulgence; and if I were to attempt to do so, and to speak for an hour upon the question, I could only reiterate the sentiments and opinions I have submitted to the House on previous occasions. There is one point, however, which has not yet been mentioned in the debate, and which I consider so essential, that I cannot resist bringing it before the House, especially as I find that hon. Members on the Treasury Bench appear to be labouring under an erroneous impression. In the town which I represent, a petition has been sent up in favour of a Ten Hours Act from every mill; I believe without an exception; and not one single petition has emanated from the manufacturers themselves against such an Act; and this applies to many other places in Yorkshire. Before I sit down, I wish to say that an earnest desire exists on this side of the House, to hear the hon. Member from Manchester on the subject. I really can hardly understand how it happens that the hon. Member, who is ostensibly the organ of a great party, and who it is generally supposed is at the bottom of the whole agitation, should sit quietly in his place and not give the House the benefit of his ideas on this important question.

Mr. DISRAELI: Sir, I hope the House will permit me, notwithstanding its anxiety for a division, to offer a few observations in explanation of the vote I am about to give. Although I have been in Parliament more years than I care to remember, I have hitherto registered my vote on this subject without ever presuming to address the House upon it. I have listened with the interest which all must feel to the discussion which has taken place. It appears to me that the question which the House is called upon to decide, is really one of a simple, though of a very serious character. More than thirty years ago, the hon. Member for Stockport reminded us, the working classes in the north of England originated what is called an agitation in favour of the principle which we recognised as law by the Act of 1847. In looking upon that event with the advantage of experience, and taking that general view of the question which has (and very properly) characterised the present discussion, I perceive in that movement of thirty years ago what may fairly be described as the conviction of an overworked population. And I think it is a subject of much gratification when we remember that in this country a large portion of the community, finding themselves in such a position, had not recourse to those arts and means which generally distinguish a population under such circumstances; that they did not attempt to find relief in conspiracy or combination, but that thirty years ago, when the means of education among the working classes were more limited than at present—when the political instruction which pervaded that order of society was less than it is now, they still had confidence in the Parliament of their country, and in an appeal to that Parliament sought relief from the sufferings which they experienced. Thirty years have elapsed, according to the hon. Gentleman the Member for Stockport, who has accurately reminded us of the dates; but it was not until 1847 that you recognised the authenticity of their convictions, and that a legislative enactment sanctioned the instincts of the working community. I am not surprised that so great an interval should have occurred between the expression of the popular will and the act of the Legislature; for the Legislature has been at all times unwilling to interfere with regard to labour, and statesmen and senates have been appalled at the idea of placing any check on the powers of production. I can, therefore, Sir, easily understand that it was only after much deliberation—after anxious doubts and hesitation—after a thorough acquaintance with the wants and feelings of the population, that the Parliament of this country sanctioned the principle which the working people of this country had long desired to see embodied in the law. We all remember the predictions which were made at the time of the legislative interference with regard to children. It was acknowledged to be a great experiment. Has it failed? One would suppose, from the position in which we are now placed, that, although we might then have been justified in the course we took, yet that experience had convinced the House of Commons and the country that they committed a great error. But there is something yet more strange. It is, Sir, at a moment when the class with which that labouring population is immediately connected, is, according to its own account, most prosperous—at a time when, as they state, the condition of the operatives is morally and physically so much improved—that we are called upon to retrace our steps—to annul our previous legislation—in short, to admit that the law was a mistake, at a moment when it is proclaimed that its consequences have been most successful. Now there is one circumstance connected with this question which particularly demands the attention of Parliament. Long as was the period during which the agitation existed which heralded this law, notwithstanding it passed through a period during which political ardour and party passions occasionally produced, as they must ever in a free country produce, feelings of the greatest possible excitement—still, I will not say by a lucky accident, but rather a happy providence, the factory question was never indissolubly connected with the fortunes of any political party. And when, in 1847, that important Act was passed, it was proposed by a distinguished Member on this side of the House, it was cordially supported by the Prime Minister of the country, in opposition to the opinions of many of his political supporters, and it was passed, if not with the concurrence of all parties, in a manner which convinced the people of this country generally that it was the result of an unimpassioned belief, and not of any party combination. Well, this Act having been, as it is admitted, most successful, proved by experience that its consequences have been concomitant with the greatest commercial prosperity, with not only the maintenance, but the increase of wages amongst the labouring classes, with not only the maintenance, but the increase of exported commodities to those markets where we have been told the demand for those commodities would be most materially injured by the adoption of the law, without any complaint against the action of this law, by a strange combination of circumstances we are now called on to give a verdict on its character. What I want to know is this—what is the reason that, after so prolonged an agitation, and after such an elaborate and calm discussion, Parliament three years ago having passed the Ten Hours Act; we should now, in 1850, be called upon to repeal and abrogate it? If, indeed, the consequences that were predicted from the passing of this Act had occurred, I could understand our position. If the hon. Members for Manchester and the great towns of the north were to come forward and say that their mills were stopped because they could no longer afford to export to those foreign markets, which they have always said were their most important markets—if they came forward and said that the working classes were now discontented with the Bill, by reason of the want of employment and diminished wages to which they were subject—if they came forward and gave so gloomy a picture of the state of society in which they mix, and of which many of them are the leaders, I can comprehend, not that we should hastily, precipitately, without due cause, repeal the law which we had enacted—but I could understand why this House should seriously, calmly, and specially examine their complaints; and if you were convinced that this law was the cause of their adversity, you should not be ashamed to repeal that which you have already passed. I can equally understand that, under such circumstances, the Minister of this country would be only doing his duty if he came forward and confessed an error of judgment, when, in 1847, he had lent the high sanction of his justly great name to this law. But are we in this position—have any of these circumstances occurred? Not the least of them. Night after night, whenever a fitting opportunity happens, Gentlemen opposite, who are connected with the Ministry, tell us that this country was never in such a flourishing condition. Night after night Gentlemen who represent the great towns of the north re-echo their assertions. Night after night we are assured that the working classes are in the enjoyment of a higher rate of wages, and have a greater command over the necessaries of life than they have enjoyed at any former period. Were not these tests of our manufacturing prosperity so many proofs of the wisdom of the Legislature? You are agreed in the good fortune and the avowed content of the working classes under the legislation which exists. On what principle, then, do you come forward and ask us to repeal this important statute? But you do not come boldly forward and ask us to repeal it. You cannot say that you are damaged — you cannot say that the working classes are injured by the effect of this law. It is not on any ground so broad, upon any principle so clear, that you ask us to act. No, but you take advantage of a *nisi prius* exception to a statute. Legislating on what should influence the fruits of a great industry, and the reward of a great working community, instead of coming forward with some intelligible principle, you take advantage of a flaw in an Act of Parliament, and are about to deprive the people of the consequences of an agitation of thirty years—of an Act of Parliament which they struggled for, which was ratified by the concurrence of the great parties of the State, and sealed by the approbation of the Prime Minister. You are about to rifle the people of this country of the consequences of that agitation, and the legislation which followed—not on the merits of the case—but by acts which an attorney would despise. The noble Lord who has just addressed us, says that it is not the Government who are dissatisfied, it is not the Government who wish to disturb the Act of 1847. It is the Member for Bath (Lord Ashley) who wishes to disturb the arrangement of 1847. But what the noble Lord the Member for Bath wanted was, not that you should interfere with the Act of 1847, but that you should remedy the Act of 1844. That which the factory workers look upon as sacred is the Act of 1847. I strip the question of all hair splittings. The working classes of this country imagine that, when they gained the Act of 1847, they succeeded in restricting the hours of their labour to ten hours a day. When you tell them, in consequence of an Act which passed in 1844, they are virtually to be deprived of the fruits of their labours, exemplified in the Act of 1847, you enter into a mystification which they cannot comprehend, and which, as clearsighted men, they do not wish to understand, and they ask you, will you stand to the Act of 1847? If you do so, amend the Act of 1844; but if you resolve otherwise—if you resolve to deprive them of the fruits of their labours, let me tell you that, while you do not satisfy their reasons, you may lose the allegiance of their hearts. It does not appear to me that the ground taken by the First Minister of the Crown is one which can be admitted into this discussion. I entirely deny the correctness of the position which he takes up. I think we have nothing whatever to do with the economical considerations involved in the consideration of this question. They have been discussed in this House, and out of this House. The result to which Parliament arrived may be erroneous, but, morally, we have no right to re-enter that domain of argument. It may have been most unwise and impolitic—it is not my opinion that it was unwise or impolitic—to have passed the law of 1847. We are not here now to discuss whether the tendency of our legislation is to check, or not to check, the power of production. It is a moral and not an economical question, which we are now called upon to decide. I agree with the hon. Member for North Warwickshire that in this question what is concerned is the honour of the Parliament of England. I implore the House to consider what is contained in those momentous words. If it is the greatest calamity which can befall an individual to encounter a slur upon his faith—if, under the merited consciousness of such an imputation, his energy withered, and his influence vanished, do you think that the same fearful consequences are not attendant on a perfidious Parliament, or a treacherous nation? The voice of outraged faith is no respecter of persons. Its cry cannot be stifled; it will penetrate the Senate, and reach the Throne. We have always acknowledged that the most important elements of Government were its moral influences. The reason that the Government of this country is more powerful than other Governments is, because the moral influences are those which predominate. What you have to decide to-night is, whether you will taint this fountain of security, whether you can govern millions of freemen, except upon the principles of justice, benevolence, and truth. I ask you, the House of Commons, you who are always so prompt on all occasions to maintain faith with the public creditor at all costs, and to vindicate the honour of the country with foreign nations at all hazards, whether you are prepared, by opposing the Motion of my noble Friend the Member for Colchester, to make an exception in the brightness of your course, and, above all, to make that exception against the trusting and trustworthy working classes of the community?

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 181; Noes 142: Majority 39.

List of the AYES.

Abdy, Sir T. N.
Adair, R. A. S.
Alcock, T.
Anson, hon. Col.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blackall, S. W.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Burke, Sir T. J.
Carter, J. B.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Devereux, J. T.
Duke, Sir J.
Duncan, Visct.
Dundas, Adm.
Ebrington, Visct.
Egerton, W. T.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Goulburn, rt. hon. H.
Grace, O. D. J.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcote, G. J.
Heneage, G. H. W.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Howard, hon. C. W. G.
Hughes, W. B.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lennard, T. B.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Mackie, J.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Magan, W. H.
Mahon, Visct.
Marshall, J. G.
Marshall, W.
Martin, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Moody, C. A.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, F.
Pelham, hon. D. A.
Perfect, R.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Rich, H.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Simeon, J.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord D.
Talbot, C. R. M.
Talbot, J. H.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Tufnell, H.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Wall, C. B.
Watkins, Col. L.
West, F. R.
Westhead, J. P. B.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the Noes.

Alexander, N.
Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, T.
Bateson, T.
Bentinck, Lord H
Best, J.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Broadley, H.
Brockman, E. D.
Bromley, R.
Brooke, Sir A. B.
Bunbury, W. M.
Burroughes, H. N.
Cabbell, B. B.
Cayley, E. S.
Chatterton, Col.
Chichester, Lord J. L.
Cobbold, J. C.
Cochrane, A.D.R.W.B.
Codrington, Sir W.
Conolly, T.
Crawford, W. S.
Cubitt, W.
Davies, D. A. S.
Denison, E.
D'Eyncourt, rt. hn. C.T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Duncan, G.
Duncuft, J.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Egerton, Sir P.
Farnham, E. B.
Farrer, J.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, W. J.
Fuller, E. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Gore, W. R. O.
Granby, Marq. of
Granger, T. C.
Greenall, G.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hood, Sir A.
Hornby, J.
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lowther, hon. Col.
Meagher, T.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
Masterman, J.
Maxwell, hon. J. P.
Miles, W.
Morgan, O.
Morris, D.
Mullings, J. R.
Muntz, G. F.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry & Morne, Visct.
O'Brien, Sir L.
O'Connor, F.
Packe, C. W.
Palmer, R.
Palmer, R.
Powlett, Lord W.
Prime, R.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Rushout, Capt.
Scholefield, W.
Scott, hon. F.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Stanford, J. F.
Stanley, E.
Strickland, Sir G.
Sutton, J. H. M.
Taylor, T. E.
Thompson, Col.
Thompson, G.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Villiers, hon. F. W. C.
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
Welby, G. E.
Williams, J.
Willoughby, Sir H.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Beresford, W. Mackenzie, W. F.

Bill to be read 3° on Monday next.

METROPOLITAN INTERMENTS BILL.

Order for Committee read.

Clauses from 54 to 63 were agreed to.

Clause 64.

Mr. LAW HODGES begged to substitute the following:—

> "And be it enacted, that the said board shall from time to time be assessed or rated to all county, parochial, or other local rates, for or in respect of any burial ground provided under this Act, and any building or place of burial therein, or other lands acquired by them for the purposes of this Act, in such and the same proportion as, but not at any higher value or improved rate than other lands lying near or adjacent thereto, are or shall, for the time being, be rated at, and as the lands to be so required and taken by the said board, would have been assessable or rateable in case the same lands had continued in their former state, and had not been acquired and used by the said board for the purposes of this Act."

Sir G. GREY had no objection to the provisions, as he found they were inserted in most Cemetery Acts.

Clause agreed to.

The remaining Clauses agreed to, as were also the schedules.

Mr. LACY rose, pursuant to notice, to move the addition of three clauses: the first, giving power to overseers to charge in their accounts the costs they may incur for the conveyance of the corpses of paupers dying within their parishes to any cemetery appointed under this Act. The second gave power to the Board of Health to enter into any contract with any railway company for the carrying out of corpses in properly constructed carriages to cemeteries; and the third giving power to directors of railway companies to make such contracts, and making the contracts binding on future directors.

Mr. BAINES said, he would effect the object of the first clause, by introducing a few words on the bringing up of the report.

Lord D. STUART said, he wished to make an attempt to obtain from Government information as to the mode intended to be adopted for the removal of corpses. If they allowed corpses to be carried by water they might propagate disease and contagion, for it had been observed that the cholera and infectious diseases followed the courses of rivers. He hoped Government would state the general mode to be followed of removing bodies from the metropolis. He suggested that the duty on horses should not be charged in respect of horses used by undertakers.

Sir G. GREY said, he could give no

opinion as to the post-horse duty. With regard to the question of his noble Friend, the conveyance of the corpses would be included in the contract; but he could not say whether the corpses would be all carried by water. There was at present no prescribed mode. He had no doubt that the clause proposed would facilitate the cheap carriage of bodies to the cemeteries, and he felt no objection to it or the similar clause moved by the hon. Member.

MR. D'EYNCOURT asked whether it was intended to have one large cemetery for London, or several?

SIR G. GREY said, it would be clearly impossible to have one cemetery for the whole of the metropolis. As yet there had been no selection of cemeteries. It was an open question to be decided by the board when constituted, but it was understood that the existing cemeteries would be made available for the purposes of the Act as far as possible.

COLONEL SIBTHORP said, he wished to know whether there was to be a separate cemetery for Her Majesty's Government; and if that cemetery was to be paid for out of the public purse?

Clause agreed to.

MR. LAW HODGES proposed a clause authorising the board to pay compensation to owners and occupiers of land near or adjoining to lands taken, in the manner provided by the Lands Clauses Consolidation Act.

The ATTORNEY GENERAL objected to the clause, as, if it were adopted, owners at a distance from the lands taken might consider themselves aggrieved, and demand compensation.

Motion made, and Question put, "That the Clause be read the First Time."

The Committee divided:—Ayes 19; Noes 180: Majority 161.

The ATTORNEY GENERAL moved the following Clause:—

"And be it enacted, that the salary of the additional member of such board, to be appointed and fixed as aforesaid, shall not exceed the annual sum of 1,500*l*., and shall be defrayed out of the fees and sums received by the said board under this Act."

MAJOR BERESFORD thought 1,200*l*. a sufficient salary for the new officer.

SIR B. HALL believed that the office was to be created only for the purpose of placing patronage at the disposal of the Government. Ministers had been asked repeatedly who was to fill the office, but had never answered the question. Hon. Members could draw their own conclusions from that circumstance.

SIR G. GREY thought it unreasonable to expect that the Bill could be carried into effect without the assistance of another paid officer, there being at present only one.

MR. ALDERMAN SIDNEY said, that the taxpayers would not like the additional burden thrown upon them by the Bill. He should move that the salary be only 1,000*l*. a year.

LORD ASHLEY assured the Committee that the charge made against the Government of seeking patronage under this Bill was unfounded. The proposition which the Board of Health originally submitted to the Government was, that a distinct Commission to consist of four paid members, should be established. The Government said, they were unwilling to extend the number of paid Commissioners, and expressed a hope that the Board of Health, with some assistance, would be able to discharge the functions the Bill would impose upon them. An idea, he understood, prevailed, that the office of paid member of the board was destined for him. The notion was completely unfounded. It was his happiness to have served the public without remuneration, and it was his intention to continue in that course so long as he was allowed to do so. His experience of the working of the board satisfied him that additional assistance was necessary. It was impossible the board could go on with its present staff, even if no additional duties should be thrown upon it.

MAJOR BERESFORD did not dispute the necessity of appointing another paid member to the board; he merely objected to the amount of salary proposed to be given him.

COLONEL SIBTHORP said, that a salary of 1,000*l*. was enough, and more than enough, in these times.

LORD J. RUSSELL said, he could not state who was to fill the office, because he did not at present know. As to the salary, he would not object to fix it at the sum suggested by the hon. and gallant Member for North Essex—namely, 1,200*l*.

VISCOUNT GALWAY thought the House ought to act consistently with respect to salaries. It had recently been determined that a dean should receive no more than 1,000*l*. a year. Surely that which we thought enough for a dean ought to satisfy a member of the Board of Health.

COLONEL SIBTHORP would support the

hon. Alderman if he divided. It had been considered the other evening that 1,000*l.* a year was enough for a dean, who was to superintend the living; and if so, 1,000*l.* a year was enough for a commissioner to superintend the dead.

The Amendment proposed by Mr. Alderman SIDNEY was withdrawn, the words "twelve hundred pounds" were inserted, and the clause, so amended, agreed to.

SIR B. HALL then moved the following Clause:—

> "That no compensation shall be awarded to incumbents, clerks, or sextons for the loss of any fees for the burial of persons who may have been brought for interment from other parishes."

It was known that certain days were set apart for funerals of paupers, who were crammed into a pit together, one funeral service read in the plural number, and a fee demanded for each interment separately, as if there was a separate service over each. This was a most indecent and disgraceful proceeding. In St. Giles's-in-the-Fields there were 360 fees charged for the burial of that number of paupers in 1847, and only about 100 services read, being about one service to 3½ bodies. In 1848 there were 426 fees, and only 104 services, being about 4¼ bodies to each service. In 1849 there were 482 fees for only about 120 services performed. He believed that St. Giles's was not the only instance in the metropolis where this abominable conduct was pursued by the clergyman; and he thought care ought to be taken in passing a compensation clause. There were interred in St. Giles's burying ground a much larger number of bodies than the number of persons who died in the parish. The rector charged 4*s.* for the burial of each pauper, though five or six of them were put in one grave, and the clerical sexton read one service over them.

LORD ASHLEY begged to state, that in consequence of what passed on a former occasion the Board of Health had directed one of their inspectors to examine the state of things in this burial ground, and make a report upon it; his report was now ready, and would be immediately presented. The result was this: that the burial ground was constructed under an Act of Parliament passed in 1803, which not only gave power for the construction of the burial ground, but regulated the fees, and gave permission to inter non-residents; that the Rev. Mr. Tyler found the custom prevailing when he became rector in 1826, and conformed to the custom; but so far from being anxious to exaggerate the fees, the fees had been reduced since he took the incumbency, at his instance, with the consent of the vestry. It was stated that the rector's fee was 9*s.* 6*d.* for the interment of each pauper, but only 4*s.* of that went to the rector; the rest went in what was called the churchwarden's fee, and to the clerk and sexton. Other matters had been stated with which the report would be found to deal. It was said that the Rev. Mr. Tyler praised the condition of the graveyard in 1842, and afterwards it was found in a bad condition. The evidence was given in 1842, and the statement upon which the charge was made related to 1846, and was examined and refuted in 1847. It was not to be denied that the system of pauper funerals was not such as any one could wish; but he (Lord Ashley) sincerely hoped that a remedy would be applied. If there could be any doubt of the necessity of such a measure as that now introduced, it must be removed by the state of the graveyards under the control of the parishes. The rector was not the chargeable party. This graveyard was under the management of trustees, of whom he was only one, and taking no more part than occasionally to interpose and correct where he had the power. The rector had not been cognisant of many of the misdeeds referred to; but no doubt a system had prevailed which was excessively disgusting, and which it was to be hoped would cease after this Bill became law. He (Lord Ashley) trusted that then the pauper would receive decent and proper interment.

MR. ROUNDELL PALMER was persuaded that the hon. Baronet the Member for Marylebone totally misunderstood the ground on which these fees for interments were taken. The hon. Member must be totally ignorant of the mode of performing all the services and offices of the Church of England under circumstances in which more than one body was to be buried in the same place at the same time, if he thought it the duty of the clergyman to read the sevvice more than once. The service was adapted to be read with the substitution of the plural for the singular. So with regard to baptisms, marriages, and all the services of the Church; and the fees were to be paid to the clergyman, not for reading the service, but for performing his office according to the custom and manner of the Church. Therefore, the hon. Baronet complained of the law and universal custom of the Church, in which there was neither impropriety nor indecency in reading one service when there was more than one body, if otherwise the funerals were conducted in a proper and decent manner. He had heard with great pain an attack made in a very unkind and unfair spirit on a gentleman who had discharged the important duties of his office in a laborious, pious, exemplary, and most successful manner, and who was spoken of by the poor and rich through his parish in terms of the highest respect, veneration, and affection.

Sir B. HALL said, that if the hon. and learned Member for Plymouth had laid down the law correctly, the rev. gentleman had taken the most convenient way of discharging his duties. But he only allowed two days in the week for the interment of paupers. It was said that the reverend gentleman was not responsible for what was done, and that the whole was conducted under a board of trustees. In order to show how far the reverend gentleman was responsible, he should refer to a resolution of the joint vestry of Holborn, which declared that, in the event of proceedings being taken by the Board of Health against the churchwardens, their solicitor should be instructed to defend the churchwardens, and take such steps as counsel might advise. The rector of St. Giles was in the chair, and signed that resolution. The evidence he (Sir B. Hall) had cited the other day was given by most respectable people; and it would be a very great satisfaction to himself, if he found the report to be laid on the table could refute that evidence, which showed the state of matters to be most disgraceful.

Mr. GOULBURN thought that what had fallen from the hon. Baronet was only a proof of the facility with which he could make charges against a reverend gentleman whose character ought to protect him against imputation from any one, at least, who knew him. The hon. Baronet, he presumed, did not know that reverend gentleman. The hon. Baronet argued that the clergyman was responsible in these matters, because he signed a resolution against the interference of the Board of Health. But the clergyman was chairman of the meeting of vestry by law; although he had been in a minority of one he would have signed that document; and he was as little responsible for the resolution of the body over which he presided as the Speaker for a decision of that House. The attack of the hon. Baronet had given the Reverend Mr. Tyler the satisfaction of receiving from the persons best acquainted with the affairs of the parish an address, which was presented yesterday, expressing in the most gratifying terms their sense of his kindness, and of the mode in which his duties were discharged, and adding that they represented the general opinion entertained by all who had observed his conduct during the twenty years of his ministration in that parish. He might, then, fairly endure the imputations which, in ignorance of the facts, the hon. Baronet had thought it necessary to bring against him.

Captain BOLDERO had seen twenty or thirty couples married at the same time a few days ago, and suggested that an alteration should be made in the fees for marriages as well as for burials.

Amendment negatived.

House resumed.

Bill reported; as amended, to be considered on Monday next.

The House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 17, 1850.

Minutes.] Public Bill.—2ª Judges of Assize.

STRANGER IN THE PEERESSES' GALLERY.

Lord BROUGHAM: My Lords, I am sorry to have to address your Lordships on such a subject, but I have give notice to the party on whose conduct I am now about to make some comments, and he refuses to comply with the orders of the House. I believe that it is well known to your Lordships that no one has any right in the gallery of the Peeresses, save Peeresses, and unmarried daughters of Peers, and that any nobleman or gentleman being there infringes on the rules of the House. There is one gentleman (the Chevalier Bunsen) there now, and he has no right to be there. If he does not come down, I must move that he is infringing the rules of your Lordships' House. [After a pause, his Lordship continued] Besides, that gentleman has a place assigned to him in the House itself, and by his presence in the gallery he is excluding two Peeresses. I now move that the Standing Orders be enforced by your Lordships' officers. Let it not be supposed that I am doing this discourteously. I have given that gentleman ample notice that if he did not come out, I would address the House upon the subject.

[The Report of the Select Committee relative to the appropriation of the galleries on either side of the House to Peeresses, and the unmarried daughters of Peers, and foreign ladies of distinction, having been read, the Gentleman Usher of the Black Rod was ordered to carry the same into effect.]

AFFAIRS OF GREECE.

LORD STANLEY:* My Lords, I know not whether, at the moment at which I rise to address your Lordships upon that most grave and important question which I have given notice of bringing under your consideration, the anticipations which the noble Marquess (the Marquess of Lansdowne) entertained some eight or ten days ago have been realised or not—I know not, I say, whether at this moment the unhappy differences which have prevailed between Her Majesty's Government and that of France have been brought to an amicable conclusion, or whether points of difference still remain unsettled; but I am sure I speak sincerely when I say, if they do so remain unsettled, I hope and trust they will be brought to a speedy and satisfactory conclusion. But in any case, whether those anticipations have been realised or not, I feel confident that the noble Marquess will not think that a sufficient cause for pressing upon me (as, undoubtedly, I shall not feel it a sufficient cause for acceding to the request) a further postponement of this discussion. Nay, my Lords, I may be permitted to doubt whether the postponement which has already taken place may not rather have had the effect of retarding than of accelerating the final settlement of this question, which all must most eagerly desire with a view to the great interests of the whole world, and to the maintenance of the good understanding between the Governments of England and of France. In truth, important as these circumstances are, vitally important as everything must be which touches the amicable relations and cordial good understanding between two nations so powerful and so intimately connected as England and France, yet I feel that this question, great and important as it is, is rather an incidental, and, as it were, a supplemental part of the great question which I am desirous of bringing under your Lordships' consideration—so much so that I must beg you to remember—for events of a more pressing nature are apt to thrust out of view those which preceded them—that even before the question of the mediation or of the good offices of France was mooted, I had intimated my intention of calling your Lordships' notice to the proceedings of the British Government and of the British Minister with respect to Greece, and that that separate and distinct Motion was only postponed at the request of the noble Marquess, grounded on that intervention, which it was then hoped would lead to a speedy and amicable settlement of these matters, but which now appears unfortunately to have led only to fresh and increasing complications.

It is far from my wish to drag your Lordships through the weary waste of papers which now lies on your table, or to give your Lordships one twentieth part of the labour which I have undergone in sifting and examining the substantial merits of this case. My Lords, I can only say that I have risen from the perusal of those papers with regret and shame for the part which my country has played. I have risen, not with a conviction with what little wisdom the affairs of this world are administered, but rather with what a prodigality of folly, with what a lavish expenditure of misdirected ingenuity, unnecessary complications have been accumulated, unnecessary difficulties have been raised, trifles in themselves elevated into matters of importance, and the affairs of the world literally not permitted to adjust and regulate themselves.

Before I proceed to address your Lordships on the specific question before the House, I must be permitted to call your attention to the preliminary part of the resolution which I am about to submit to you, because I understand that to the wording of that preliminary part, some exception has been taken. That to which I am primarily desirous of calling your attention is not whether the misunderstanding which prevailed between France and England with regard to the affairs of Greece, was a misunderstanding in which the one country or the other has been in fault or error. I am not about to call your attention to the question whether the peace of Europe is likely to be disturbed, whether the present arrangements are likely to be amicably effected; be this so or not, it will make no difference in reference to my resolution, because my affirmation is this, that the course which the Government has pursued by its violence—by its unnecessary interference—by its abstinence from communication with other Powers—by its intrinsic injustice—has been calculated to endanger, and has endangered, the continuance of our friendly relations with other Powers. That it has endangered them, few of your Lordships, I think, will be inclined to deny; that we may escape the danger, may be probable; and that we have escaped it, God grant that that may be true. I hope, rather than trust, that these events will leave no sting behind, no ill-feeling between England and France or any other of the great Powers of the Continent. But that is not the question now to be decided. I ask your Lordships to decide whether the course pursued by the Government has not been such, as rashly and unnecessarily to disturb that harmony which ought to prevail between all those great Powers. I ask your Lordships to state whether, amongst the claims urged against the weak and feeble State of Greece, and enforced by the naval might of this great empire, there are not some which are either doubtful in point of justice, or exaggerated in point of amount. I will ask you, further, on a review of the correspondence, portions of which I shall have to lay before your Lordships, whether these claims, if founded in the strictest justice, have not been pressed forward in such a manner as to render their indignant refusal by a great State almost a matter of necessary conclusion; and although I am far from standing here to apologise for the excuses, the prevarications, which in some of these transactions have characterised the conduct of the Greek Government, I say those prevarications and excuses find some palliation in the tone—the imperious tone—with which claims, even if they had been just, but, still more, claims which are not just, have been forced on the compulsory adoption of that Power. I am sure I am representing the English feeling, I am sure, my Lords, that I am representing the feeling which animates every one of your Lordships, when I say, whatever may be the question pending between independent nations—whatever cause of complaint one country may have against another—the tone and language in which that complaint should be urged, the manner in which requests for reparation or for apology should be made, should, at all events, be the same, whether addressed to the strongest and most powerful, or the weakest and most insignificant State. I go further, and say that it is consistent with the generosity of English feeling, that the more your consciouness of superior power gives to your request the character of a demand, the more you should be careful to veil under the studied language of courtesy your demand, whatever it may be, and to avoid by the manner of your request wounding that national sensibility which will always be found in an inverse proportion to the resisting power of the country. I shall ask you whether this has been the course which has been pursued by our Government towards the Government of Greece, in the course of these recent transactions.

I now wish to call your Lordships' notice to the preliminary portion of my resolution, in which I call on you "fully to recognise the right and duty of the Government to secure to Her Majesty's subjects residing in foreign States the full protection of the laws of those States." In laying down that proposition, I believe that I am correctly laying down the principle of international law on the subject. I am not now speaking of despotic Governments. I am not speaking of those countries where the will of the sovereign is the law of the land, but I am speaking of those countries under constitutional government, where there are established tribunals for administering the law; and I say, without fear of contradiction, that it is the duty of every foreigner residing in any State, voluntarily, and of his own free will, to submit himself to the municipal law and local jurisdiction of the State in which he lives. The full protection of those laws he has a right to claim and demand. If those laws are corruptly administered, he has a right to apply to the Minister of his own country accredited to that Court, to see that he is defended against oppression and corruption and malversation in the administration of those laws; but all this is included in the demand "to secure to Her Majesty's subjects the full protection of the laws of those States," and if those laws are corruptly administered, then he would not have that full protection which, under the terms of my resolution, he has a right to require. I will venture to say that no foreigner has a right to pass by or repudiate the jurisdiction of the ordinary tribunals—to abstract himself and his case from the administration of justice according to the law of the land, and to prefer the diplomatic services of his own Minister to the ordinary operation of the law of the country in which he resides. Let me not, however, be misunderstood. I do not by any means intend to assert, that there are no cases in which a foreign Government may interfere for the defence of its subjects, except those which are noticed in my resolution. There may be, and there are, in despotic countries, cases of absolute and gross oppression, in which the subject of another country has no protection, except by the interference of his own Minister in his behalf. In other countries, where there are laws, but laws corruptly administered, then the foreigner has a right to call upon the Minister of his country to protect and defend him, not against the laws, but against those who mal-administer and prevent them.

With this preface I proceed to the general subject, and I call upon your Lordships not to enter upon the consideration of this great question without duly weighing the political condition and social organization of Greece. We have, in the first place, to remember that Greece is a kingdom of not more than twelve or fourteen years' standing, and a constitutional kingdom of much shorter duration. Although theoretically an independent State, it is, partly by treaty, and partly in consequence of circumstances subsequent to treaty, placed in a peculiar position in reference to three of the most powerful countries in the world—France, England, and Russia. Those countries have jointly guaranteed the independence of Greece. Unfortunately this is not the sole claim which they have upon Greece, for, in addition to the guarantee, it has contracted certain pecuniary liabilities and engagements which give to the three Powers a right (one, I must say, most dangerous in the exercise) of interfering in its internal administration. In any country the interference of a foreign Government in its internal administration is fatal to its prosperity and independence; it is fatal to its powers of development of its own resources, to its power of confirming its own constitution, to its maintaining the order and authority of its own Government, and more especially if the authority of the Government is to be exercised over a population, as in Greece, recently admitted to constitutional privileges, and in many districts, of a wild and turbulent character; and unhappily this has been the case (I throw no blame on one rather than another), that the representatives of the three great Powers appear to me rather to have been bent, not so much on securing the order and independence and strengthening the authority of the newly-created Government of Greece, as on intriguing and caballing amongst themselves—now the representative of England—now the representative of France—and now the representative of Russia, to obtain, each for his own country, a predominating influence in the internal affairs of Greece. Than this, nothing can be more fatal to the authority of the Government, and to the well-being of the people of Greece; and, moreover, nothing can be more unfavourable for the fair and impartial discussion of those questions which, from time to time, arise between that Government and the subjects of other Powers. It is notorious that since the period when these papers commence, since the commencement of the administration of M. Coletti, that which has been supposed to be French influence has been predominant in Greece, and the consequence of this has been that during the latter period of his residence at Athens, Sir Edmund Lyons was less a Minister accredited to the Court of Greece than the head of a party hostile to the existing Government of that country, and hostile to a Minister whom he considered to have been placed in power contrary to his exertions, and whom he was using every means to displace from office. This was notoriously so during the administration of Coletti, and afterwards during the successive administrations of Glarakis and Colocotroni.

Then came the administration of M. Londos, who is said to be favourable to British interests; but be that as it may, the Government of Greece was for some time under French influence as opposed to ours; and the consequence was that it was not inclined to look with an eye of favour on claims, even when founded in justice, pressed upon them by a Minister who was doing his best to displace the Government to which he was accredited. In this state of things, every appointment, even of subordinate officers, Nomarchs, Eparchs, Hypomirarchs, and I know not what besides, was looked upon as a matter of personal interest, and of triumph or mortification to the rival Ministers, to the exclusion of the national interests of Greece. Hence, too, a tone adopted on each side quite irreconcilable with anything like friendly communication between the two parties, and well calculated to excite feelings of national irritation. Unfortunately, those feelings were not confined to the British Minister in Greece. That tone of mistrust and defiance, that setting aside of all opportunities for reasonable explanations, that course of exacting reparation first, and demanding explanation afterwards, instead of explanation first, and reparation where explanation was not successful; all this irritating course of action was not only adopted by Sir E. Lyons at Athens, but was also sanctioned and adopted by Lord Palmerston in Downing-street. I do not say this, my Lords, without intending to produce evidence to prove, and an example to confirm, the position I have laid down. I will produce my evidence, not from a case which formed part of those discussed in these recent negotiations, but from a case which I find in these papers, and which seems only to have been placed there *ad invidiam*, and to swell the mass of feeling and of grievance against the Greek Government; but which very case I will select as an exemplification of the language used by the British Minister and the British Government towards the agents and Ministers of Greece.

The first person connected with this class of cases is one Stellio Sumachi, a blacksmith by trade, associated with men of a very disreputable description, and arrested by the Greek police at Patras, in 1846, on a charge of burglary and robbery. And here, my Lords, I may remark as an unfortunate circumstance, that of all the various cases which have been pressed upon the Greek Government on the late occasion, there is but one—that of Mr. Finlay—in which the claimant has any right to be considered as a person of character and respectability. The greater portion of the other claims were of a different class, scarce worthy of British protection, and certainly not of a character for which we ought to involve ourselves heedlessly in war. As soon as Sumachi was arrested he wrote to Mr. Crow, our consul at that port, enclosing his passport as one of our Ionian subjects, and a statement that he had been cruelly tortured by a Greek police officer. You will find this correspondence, my Lords, at page 195 of the volume containing the first series of papers on Greece. Mr. Consul Crow writes from Patras an account of this man's alleged sufferings, and adds this observation:—

"I have sent to the Nomarch to request that he will order the matter to be inquired into, and proper attention to be paid to the sufferings of the prisoner. But in a case of so great enormity, and so revolting to humanity, I feel it to be my duty to lose no time in forwarding the petition of this unhappy victim of official brutality to your Excellency."

In the meantime, my Lords, whilst this inquiry is going on, Sir E. Lyons, in a letter which he addressed to the Greek Minister, Coletti, adopts the expression of Mr. Crow respecting "this unhappy victim of official brutality," and says—

"I hasten to communicate to you a copy of a letter which I have just received from Her Majesty's Consul at Patras, inclosing a petition from an Ionian subject, Stellio Sumachi, who complains of having been cruelly tortured by the police force at Patras."

My Lords, throughout this correspondence, wherever a paper is to be transmitted to the Greek Government, every grossly offensive expression used by the complainants is retained by the British Minister, without any intimation that it was exaggerated language, or an *ex parte* statement made by an irritated man. Sir E. Lyons then forwards the case of Stellio Sumachi to M. Colletti, and then speaks of him as "the unhappy victim of official brutality."

Shortly afterwards he sends it to Lord Palmerston; and if ever there was an instance of a man acting on the principle of "*castigatque auditque*," it is to be found in the reply of his Lordship to Sir E. Lyons. That reply, founded on the statement of the petitioners alone, without a tittle of evidence to support it, and without affording opportunity for any explanation, is in the following words:—

"Her Majesty's Government had hoped that such practices as these, which are unauthorised by the law and constitution of Greece, and are reprobated by the general consent of all civilized nations, had ceased to disgrace the Executive Government of Greece. But Her Majesty's Government cannot permit such things to be done with impunity towards British or Ionian subjects; you are therefore instructed to demand from the Greek Government that the police officers who have been concerned in this outrage should be immediately dismissed, and that adequate pecuniary compensation be made to Stellio Sumachi for the sufferings he has undergone, and the injuries which have been inflicted upon him. You will also state to the Greek Government, that Her Majesty's Government hope and expect that you will be enabled to report by the next packet after you receive this despatch that these just and moderate demands have been complied with."

In the meantime there was an inquiry going on at Athens into the subject of the alleged treatment of this highly respectable burglar; and it turns out that there was no reason to believe that any such torture had ever been inflicted, at least, the evidence upon the subject is exceedingly contradictory. All the papers are transmitted by M. Colletti to the British Minister, and by him to Lord Palmerston. On the 23rd of October, Lord Palmerston writes in reply thus :—

> "With regard to M. Colletti's note to you of the 20th ult., which was enclosed in your despatch of that date, I have to desire that you will state to M. Colletti that Her Majesty's Government cannot be satisfied with evasive replies in a case of such gravity as the torture of a person under British protection; and I have at the same time to instruct you to impress upon M. Coletti that this is a very serious matter, and that Her Majesty's Government cannot doubt that M. Coletti will, upon mature reflection, see the expediency of not delaying any longer to comply with their just demands."

Just demands, indeed! Compensation to a man accused of burglary and robbery, into whose guilt or innocence an inquiry was at that very moment pending! Mark, my Lords, what followed next. There are specific penalties attached by the law of Greece to the offence with which the police in this case were charged. Well, the police officers were put upon their trial. They were acquitted; and the court, constituted according to the laws of Greece, not only acquitted the accused, but declared that the story of the torture was a complete fiction from beginning to end. One would have thought that this would have been a staggerer to Lord Palmerston. No such thing; before many days elapse he asks, not indeed for the punishment of these policemen, but for that which it would have been more natural to have applied for in the first instance—a full investigation :—

> "I have therefore to instruct you to state to the Greek Government that the mode in which that inquiry was carried on is highly unsatisfactory to Her Majesty's Government; and that Her Majesty's Government demand that all the circumstances of Sumachi's treatment in prison shall be openly and impartially investigated at Patras; and that the British consul and also Sumachi himself, together with such persons as he may require to assist him, may be present, and may be allowed to produce evidence and to cross-examine the witnesses who may be brought forward on behalf of the officers of police."

The answer given to this requisition by M. Coletti was, in point of language, civil and courteous; but he declined to comply with it on the ground, that according to the law, not only of Greece, but of every civilized nation, a man once acquitted could not be placed a second time on his trial. M. Coletti, therefore, refused to give compensation for an injury never sustained, or to inflict punishment for an offence never committed. Unfortunately, along with this reply from M. Coletti, Sir E. Lyons transmitted a statement to Lord Palmerston, that the Greek advocate, whom he was in the habit of consulting and employing on any matters which he had to conduct for British subjects in Greece, had declared that, by the law of Greece, M. Coletti was justified in his refusal to comply with his Lordship's demands; and, from that moment the demand for compensation for Stellio Sumachi's injuries drops out of these papers, and is never heard of more. And this, my Lords, is a sample of the mode in which our claims on Greece have been brought forward by the noble Secretary for Foreign Affairs. Punishment is first demanded, without inquiry, and then inquiry, after a trial; and at last, to the great disgrace of the British nation, our Government is compelled to admit that our "just and moderate demand" is founded neither in reason nor in justice, and, subsequently, to withdraw it. When such claims are presented to any Government in such a way, it must disincline it to lend a favourable ear to claims much better founded.

I now proceed, my Lords, to the consideration of those claims on Greece, which form the subject matter of this correspondence. I commence with that claim on the Greek Government which is the most serious, as it is the only one which touches the national honour, and on which I think that reparation should have been promptly demanded and promptly enforced. I allude to the insult offered to the boat's crew of one of Her Majesty's ships of war at Patras—the *Fantome*—and even with respect to that case, I think that there are circumstances which tend not to excuse, but much to palliate that outrage.

At the commencement of the year 1848, the provinces of Greece had been in a state of disturbance of a revolutionary character, and a very short time before the events occurred to which I shall have occasion to refer, one of Her Majesty's steamers, the *Spitfire*, in pursuance of that kind and generous policy which Her Majesty's Ministers have always pursued towards the Mediterranean States, called in at Patras, and received on board a notorious rebel against the Government of Greece, who found immediate protection under the British flag. Shortly afterwards, the *Spitfire* returned to the harbour of Patras, off which Her Majesty's ship *Fantome* was at the same time lying; and about nine o'clock in the evening, in violation of a well-known order that no boat should land at Patras, except at the Mole, a boat landed in a remote place in the very neighbourhood of the house from which the former rebel made his escape to our steamer. The attention of the guard was called to the fact. The boat landed two unknown persons. On being invited to stop, one of them immediately fled, and, aided by the darkness of the night, escaped. The other was taken. The fact turned out to be, that the boat belonged to the *Fantome*, and the two persons were the Consul's son, a lad of thirteen or fourteen years of age, who had been dining on board, and the coxswain, who had been sent ashore in charge of him. The guard then proceeded to the boat, and its crew were made prisoners by three Greek soldiers. That there was great violence exercised to the boat's crew of this ship, I am not inclined to believe. I may venture to doubt whether three Greek soldiers would use great violence towards the boat's crew of one of Her Majesty's ships of war, even if the latter had no other weapons than their oars and stretchers. The guard found a midshipman on board the boat, not wearing his uniform, or any distinction by which he could be known as a British officer. The boat's crew and the midshipman were immediately taken before the Nomarch. As the one party could speak no Greek, and the other could speak nothing but Greek, there was some difficulty in coming to an understanding of each other; but as soon as the commandant of the place ascertained that they belonged to a British ship of war, he discharged them from custody, and saw them himself on board their boat. Captain Le Hardy, on the next morning, demanded from the Greek Nomarch, as was his duty, a reparation or apology for the insult offered to his boat's crew, and compensation for the loss of his boat's gear. The loss, however, was not very serious, as it consisted merely of a boathook, which had probably fallen into the water in pushing off. Captain Le Hardy required that all parties should be called in, and the whole case examined into; but the Nomarch refused to enter upon it, on the ground that he had already put the case into the hands of the Procureur du Roi. The *Fantome* was obliged to sail the same evening for Malta; and the following day, the Nomarch, by desire of the Procureur du Roi, requested the attendance of the boat's crew, the authorities being under the erroneous impression that the boat belonged, not to the *Fantome*, but to the *Spitfire*. The Consul replies that the Nomarch must have known he ought to have sent his explanation sooner—must have known the *Fantome* was on the point of sailing; and he transmits the whole correspondence to the Minister at Athens. Together with that correspondence is a letter from Lieutenant Macdonald, of the *Spitfire*, and I must say that Lieutenant Macdonald, of the *Spitfire*, appears to correspond very well with the name which his vessel bears. Here is the moderate, temperate letter of Lieutenant Macdonald, which is duly and officially transmitted with a request for reparation, and, as a conciliatory mode of obtaining it, is sent to the Minister at Athens:—

> "The Governor of this town has taken upon himself not only to display a hostile feeling towards the British Government, but also to permit a most unjustifiable outrage to be committed on an officer and boat's crew of Her Majesty's sloop, *Fantome*. I consider it my duty, as the senior officer present at Patras, to prevent all communication between Her Majesty's ship *Spitfire*, under my command, and the town of Patras, except for the purpose of receiving the necessary supplies for the ship, through the medium of a boat belonging to the shore. I have further to request that you will be good enough distinctly to state to the Governor that I have represented to my own Government this state of affairs, the more especially when I bear in mind the abominable falsehoods circulated by his authority, and, through a letter to yourself, accusing the officers and men of landing strangers under cover of night. It is quite impossible, under these circumstances, that I can hold any communication for the future with an authority who sets all international law at defiance. I have strictly prohibited any officer or man to land from this ship; and my reasons for doing so must appear evident; for in the event of a repetition of the circumstances that occurred to the boat of the *Fantome* the evening before last, a collision must inevitably ensue, which it is my wish to avoid as far as lies in my power. My positive orders having been issued, that in all future communications between the ship's boats and the shore, the *Spitfire's* boats are to be fully armed and equipped, and fully prepared to resent any insult that may be offered to them."

Was there ever such a mountain made out of a molehill? A boat lands in the dark at a prohibited place; the officer on board, not being in uniform, is arrested; the moment it is discovered that he is a British officer he is released; a mistake is made between the two ships lying there at the same time; and thereupon comes the officer of the *Spitfire* with "your abominable falsehoods," and "international law," and "arming the boats," to take care that he does not lose another boathook! This is transmitted as a serious matter of international quarrel by Her Majesty's representative to the Minister at Athens. Well, what says he? He says, "I am exceedingly sorry to find that there is any misunderstanding, and that it is supposed there is an unfriendly feeling on the part of the authorities towards Her Majesty's subjects; I assure you there is nothing of the kind. I send you at once the papers I have as yet got; you shall have all that I receive; I only send you these now, that you may see there is a different account from yours." There the account closes; and mark, where there has been really an insult offered—where the solemn declaration and word of honour of two British officers commanding ships of Her Majesty, were not accepted and admitted as a declaration of a matter of fact—where that affront (for such I conceive it to be) has been offered to the honour of Her Majesty's service, you find upon that question, though the Consul is exceedingly active, and the Minister is exceedingly active, there is no demand for reparation or apology on the part of the Secretary for Foreign Affairs, and the whole matter has been allowed to sleep from 1848 to 1850, when it is brought forward in conjunction with such cases and such claims as those to which I am about to call your attention. I fear I must detain your Lordships rather long; but it is necessary for me, in order to make out my case, to enter into some detail of these several transactions, in order to show the tone and temper of our conduct, for upon that must mainly depend the justification or condemnation of the Government. And mark, my Lords, the matters to which I am about to refer, trivial as they may seem to your Lordships, were not looked upon by the Government in the light of misunderstandings which might admit of explanation, but were held sufficient to justify hostile reprisals.

The next case regards the plunder of six Ionian boats at Salcina so far back as October, 1846. It appears that the province in which Salcina is situated was in a disturbed state, that these boats' crews were decoyed upon shore by a band of brigands, who plundered the custom-house, kept possession of it some hours, and robbed the boats to the value of 1,200 dollars. It is not denied that the Greek authorities were themselves overpowered by these armed men, one of whom, by the by—the leader—was not a Greek, but a refugee Ionian, perfectly well known, and who commanded a large body of brigands. Sir E. Lyons writes to M. Coletti, and at the same time reports the facts to Lord Palmerston. Without a moment's delay, without waiting for any explanation from the Greek Minister, here is the reply of the Foreign Secretary:—

> "The enclosures relate to the plunder of the Ionian boats at Salcina, in the river Achelous. With reference to that subject, I have to instruct you to address a note to M. Coletti, stating that Her Majesty's Government expect and demand that the Greek Government will make full compensation to the Ionians for the losses and sufferings inflicted upon them by the Greek robbers and pirates who were allowed upon that occasion to take possession of the Custom-house at Salcina; and you will say that Her Majesty's Lord High Commissioner of the Ionian Islands will be instructed to ascertain the amount to be claimed on behalf of the masters and crews of the six Ionian boats, and to send you an account thereof."

I believe I see upon the cross-bench the noble Lord who, I think, was then administering the affairs of the Ionian Islands (Lord Seaton), and I have not the least doubt that the robbery took place, or that the noble Lord adopted all means to ascertain the amount of indemnity which it was to be considered fair to demand. But it appears to me exceedingly doubtful whether, on the part of the British Government, there was—I do not say just cause of complaint, but just ground for demanding indemnity from the Government of Greece. I do not understand that where, by no fault of a Government, offences are committed against foreigners, the Government is bound to indemnify those foreigners. The Government is bound to afford its protection to foreigners and to its own subjects alike; but British subjects before now have been pillaged in the Roman States and the Neapolitan States, and I never heard of any demand against the Government of either of those States because they had been waylaid and plundered by robbers. I doubt whether the law of nations justifies any demand whatever; and I am very much inclined to agree with the very temperate answer of M. Coletti. He says—

> "The detailed explanations which I have considered it my duty to give you upon this circumstance, authorise me to hope, that the Government of H. B. M. will not refuse a demand which I regret it is not in my power to satisfy.
>
> "The duty of the King's Government was to put down crime, and it has not neglected to do so. I think it superfluous, M. le Chevalier, to bring before your notice again the difficulties which are always opposed to effectually maintaining authority in the province of Acarnania; but no one is ignorant of the attempts which have been made,

Soldiers have fallen in encounters with the banditti; several of the latter have quite recently been killed. The pursuit is still continued; and, with the assistance of the Lord High Commissioner, I hope that the individual marked out as the principal author of the outrage committed at Salcina, the Ionian Tryphon, who has escaped from the prisons of Santa Maura, will at last fall into the hands of justice. Nothing will be neglected in order to obtain this result, which I have much pleasure in hoping will be considered by the Government of Her Britannic Majesty, as the fulfilment of the only obligation which the Government of His Hellenic Majesty can be held responsible for in this affair."

I believe that to be very sound international law. I believe the defence is perfectly valid; and nobody can deny that it is couched in respectful terms. What is the answer of Lord Palmerston?

> "I have received your despatch of the 9th ult., enclosing a copy of M. Coletti's letter to you of the 30th of March, declining to compensate the master of the six Ionian boats, which were plundered at the Custom-house at Salcina, in October last; and I have to instruct you to state to M. Coletti that there is nothing in his letter which alters the views which Her Majesty's Government have taken of this case; and you will say, that as the Greek Government have been either unwilling or unable to put down the gangs of robbers which have for some time been allowed to infest Acarnania with impunity, and even to choose a Greek Custom-house as the spot for plundering and otherwise ill-using Ionian subjects; Her Majesty's Government must require the Government of Greece to make good the loss incurred by those Ionian subjects; and they hope and trust that M. Coletti will see the justice of acceding to this demand without any further delay."

Now, my Lords, I ask if such circumstances occurred in any portion of the British empire, and if such a demand had been couched in such terms, I do not ask whether it would have been complied with, but I wish to know whether the Ambassador, who had dared to present it, would not have received his passports in less than forty-eight hours? I am told that within the last six weeks a question has most conveniently arisen respecting a claim on the part of Austria to compensation. It is a singular, an odd, a happy coincidence. An Austrian brig is wrecked on the coast of Ireland and plundered—proceedings are taken by the Irish Government against the parties believed to be implicated in the outrage—the prosecution is unsuccessful; thereupon the Austrian Government applies to the British Government for compensation. I think the owner of that vessel was most fortunate—most fortunate at least, if he was destined to meet with such a calamity, in the precise time of its occurrence. I should like to see the correspondence on that subject. I should like to know whether the demand was made as a right. I should like to know whether it was acceded to as a right. I can readily imagine that Her Majesty's Government, finding it a very convenient time for acceding to that request—finding it might be useful as a precedent—thought that 500*l.* would be well expended in compensating the Austrian crew for their losses and sufferings; but, I say, I should like to know whether it was granted as of right or of favour, and how long the amiable and able diplomatist who made this application, and who never proved himself more able than in his selection of the favourable moment for making it, would have been a resident in this country, if he had come forward and asked, on the part of the Austrian Government, whether the British Government was unable or unwilling to put down the gangs of brigands who with impunity plundered wrecked vessels upon the coast of Ireland, and stated that His Imperial Majesty demanded that without the delay of a post such an indemnity as he (not we) thought fit should be paid by the British Government, who could not have a moment's hesitation in complying with these "just and moderate" demands.

The next is a case which I am almost ashamed of bringing under your Lordships' notice. Some Ionians at Patras, keepers of a coffeehouse, on a festival, put up a great variety of flags—British, Ionian, Greek, and others—as ornaments over their shop. There was some little disturbance in the neighbourhood; there was an apprehension of some rising or tumult in consequence of an execution about to take place on that spot on the following day; and the police had strict orders not to permit anything which create a crowd, or endanger a breach of the peace. In consequence the police interfered with these Ionians, and commenced taking down the flags. The Ionians resisted, and they were therefore, marched to the police-office, marched through the streets, it seems—I do not see how they could be marched in any other way—for violating the orders of the police. On arriving at the police-office, it was found that it was a mere trifling violation of police regulations, and they were dismissed without further notice. The noble Marquess, on a former night, talked about this as a case of torture, and of the employment of thumbscrews. Thumbscrews! Thumbscrews convey to my mind the notion of instruments of torture, like the "boots" of old, in which iron wedges were forcibly inserted till the limb was smashed and mutilated, and the person a cripple for life. But what were these "thumbscrews?" I will tell your Lordships what they were. The two Ionians were walked through the streets, handcuffed together, the wrist of one bound to the wrist of the other, the thumb of one to the thumb of the other; and when they arrived at the office, they were released. Then comes a long correspondence about the insult to the British flag—it was said to have been torn down and trampled under foot; but that turns out not to have been the case. The Consul writes to the Minister at Athens, and the Minister writes to M. Coletti, and all about this wonderful cock-and-bull story of the insult to the British flag, and the injury to British subjects.

Well then, my Lords, there is another case of grievous injury to Ionian subjects. But before I go to it, let me just read one passage to show your Lordships the class of men we are dealing with, and the habits of life of these Ionians. This is mentioned as a great grievance and proof of the despotic tyranny and oppression exercised by the police against the Ionian subjects of Her Majesty:—

> "I have to observe to you, that on Sunday last several Ionians presented themselves to me, complaining of the Gendarmerie soldiers, who, while going the rounds at night, give them continual offence, as they (the Ionians) are obliged, on account of the heat and fleas, to sleep in the streets, and the Gendarmes parade with their arms and compel them to sleep in their houses, otherwise they are taken up to prison, besides other menaces."

Here is a serious case of oppression! British subjects, forsooth, are exposed to the grossest oppression because they are not permitted to sleep like pigs in front of their doors when the heat is too great, or the fleas too troublesome! There is a national question! There is a cause of war! Two of these highly-respectable persons, according to their own statement, are found in the market-place, and they are marched by soldiers off to the authorities, who flog them and turn them out. The Vice-Consul forwards their complaint to the Consul, who, being a sensible man, at least comparatively speaking, suggests the propriety of further inquiry to verify the facts, and of an examination of the persons of the complainants to ascertain whether they bore any marks of the alleged ill-usage. On this examination being called for, however, the complainants were not forthcoming. Meantime the Consul transmits the complaint, together with that of the two other Ionians to which I have referred, to Sir E. Lyons, with the expression of his opinion that it was not necessary to take any ulterior steps; Sir E. Lyons lays it before the Minister, and forwards both sets of papers to Lord Palmerston, adding that he coincides with the Consul, that no steps are necessary beyond a remonstrance which he has already made. He little knew Lord Palmerston! By return of post, without waiting for the evidence as to the fact, which the Consul had directed to be procured, he writes as follows:—

> "Her Majesty's Government have had under their consideration your despatch of the 18th ult., containing an account of two cases in which Ionian subjects have been maltreated by the authorities at Patras and Pyrgos; and I have to inform you that the conduct of the Greek authorities towards these individuals, as set forth in your despatch, appears to Her Majesty's Government to have been cruel and oppressive. I have therefore to instruct you to demand from the Greek Government, for each of the Ionians who have been maltreated, the sum of 20*l.*, as some compensation for the unmerited ill-treatment which they have undergone."

If the British flag is insulted, the Secretary of State does not think it necessary to ask for an apology. If a boat's crew is plundered, a sum of money is demanded; all we want is the money. Is a boathook lost? Put it down in the bill. It is really difficult to speak seriously upon such a question. It would be too absurd, too ridiculous, too foolish, to make it the subject of recital in your Lordships' House, were it not for the momentous fact that it is upon such fooleries the peace of Europe is made to depend. The noble Lord reminds one of the story where a man is thrown out of the window of an inn, and the assailant, when charged with the offence, exclaims, "Put him in the bill." Whatever is done, "put it down in the bill;" here is 10*l.* for this, and 20*l.* for that, and when we present our bill to King Otho at last, his treasury not being in an overflowing condition, we will show him what it is to insult Great Britain. Now, I ask your Lordships—I put it to any rational man, whether this is a case upon which we are justified in going to war—in which we are warranted in employing a more powerful fleet than that which won the battle of the Nile, to threaten a friendly sovereign, and demand a certain compensation, just or unjust? But these are not all. There are two other cases. There is the case of a highly respectable gentleman, a canny Scot, one

Mr. Finlay, a gentleman who likes to make a good bargain, and knows when he has made it — a gentleman strongly imbued with the wisdom of the sentiment of "buying in the cheapest, and selling in the dearest market." This gentleman, at the time of the revolution, thought it would be no bad speculation to buy the property of some Turkish gentlemen who might find their position not very agreeable in Athens. His speculations were not very extensive, for, though we read of thousands of pics, a pic is something less than a square yard, I believe, and the whole subject in dispute in his case, is the price of about two-thirds of an acre, for which he gave either 300 drachmas, or 600 drachmas, I forget which; that is, either 10*l.* or 20*l.* The land was taken by the Government to be enclosed in the Royal Garden, and no doubt he was entitled to compensation. His was the case of a great number of other persons, and an ordinance was passed fixing the value of the property at half a drachma per pic—about 4½*d.* per square yard, I think. Some parties were dissatisfied with this, and demanded more; and some obtained more—some, I think, a drachma; and, at a drachma, this gentleman would have been entitled to about 100*l.* for land for which he had given either 10*l.* or 20*l.* There are a great many communications upon the subject, extending over a period of thirteen years, our Minister not giving his own judgment, but performing the part of twopenny postman between Mr. Finlay and the Greek Government. The demand made by Mr. Finlay for land which had cost him 300 or 600 drachmas, I forgot which, was 45,000 drachmas, or about 1,500*l.* for a piece of ground which cost him 10*l.* or 20*l.*

That was the state of things, or rather that was said to be the state of things, when these proceedings took place at Athens, and the British fleet appeared to demand reparation. I beg your Lordships to observe that in a letter addressed by Mr. Wyse to Lord Palmerston, dated August 20, 1849, and published in the papers presented to Parliament in February last, Mr. Wyse says—"I am still without any answer from the Greek Government to my note of the 2nd of July respecting the unsatisfied claims of Messrs. Pacifico and Finlay, and others of Her Majesty's subjects." This letter closes the correspondence on the subject of Mr. Finlay's claims laid on the table of your Lordships' House, by the Secretary of State, by command of Her Majesty, to explain and vindicate the steps which he was taking. What will your Lordships say, when I tell you that not only at the period when these despatches were laid upon the table, but at the period when the demand was made upon the Greek Government for reparation to British subjects, this question of Mr. Finlay was absolutely and entirely and conclusively settled, by a reference, according to Mr. Finlay's own desire, to two referees, one of whom had been named by himself, the other having been named by the Greek Government, who were jointly to select an umpire, and by whose decision it was agreed that the claims of Mr. Finlay were to be settled? What will your Lordships say further when I state that at Mr. Finlay's express desire the case was withdrawn from the mediation and interference of Mr. Wyse and Baron Gros, and that the arbiters came to an agreement without the necessity of calling in an umpire, and awarded 30,000 drachmas to Mr. Finlay as compensation for his claim? What will your Lordships say also when I tell you that when these papers were laid upon the table in February, the Foreign Office was in possession of that information, and withheld or suppressed it? In the month of February, as I have shown, the Government represented that the last information they had on the subject of Mr. Finlay was, that no answer had been made by the Greek Government respecting the claims of Messrs. Pacifico and Finlay, while they were at the time in possession of the letter of Mr. Wyse to Mr. Finlay, dated October 16, and which was received at the Foreign Office at the end of October, in which Mr. Wyse says—

> "I have the honour to inform you that agreeably to the contents of your letter to me of this date, I have this day informed the Greek Government that you have appointed M. Vellios, advocate, to act as your arbiter for the settlement of your claim for indemnification for land of yours inclosed in the garden of King Otho's palace, in unison with M. P. Typaldos, appointed by the Greek Government as their arbiter; it being understood that if the two arbiters cannot arrange the matter, then an umpire shall be named by common consent, as has been already agreed upon; and stating, moreover, that you are ready to abide by the decision of the arbiters, and that you will request M. Vellois to place himself in immediate communication with M. Typaldos, and complete the preliminary arrangements."

Now, I ask what the Foreign Office have to say for themselves, that with these papers in their possession they allowed the country to believe that the unsatisfied claim of Mr. Finlay was one ground of the interference of the British fleet. The effect of the last paragraph of the correspondence upon Mr. Finlay's claim is, that subsequently to the 20th of August no communication had taken place with the Greek Government relative to that claim, although communications had taken place two months later. I say that this is tampering with the question, and is a breach of faith towards your Lordships and the country. It is more than a suppression, for, while the document I have read was suppressed, a paragraph was inserted which, according to the ordinary sense of language, would lead to the inference that no such document had been received by the Government. And when this document had been published in the Greek papers, then, and not till then, in the month of April, without a word of explanation or apology, the Foreign Secretary lays upon the table supplementary papers to those of February, but containing information which had been in his possession since October.

My Lords, there is one case more; and that one presents such an astounding combination of audacity and mendacity, of all that is ridiculous and disgusting, that I am ashamed to bring it under your Lordships' notice. But, before I go into this case, I may be permitted to advert to a circumstance which occurred many years ago. In 1817 an English vessel, called the *Berwick Packet*, Nesbitt master, was compelled, by stress of weather and the damage the ship had sustained, to put into the port of Villa Nova de Portimao. In order to defray the cost of repairs, the vessel was sold, and the sale produced about 600*l.* more than was sufficient to cover the expenditure. The master, not being disposed to bring that amount in hard dollars with him to this country, thought himself exceedingly fortunate in being paid by a bill upon the Navy Board. The bill, which he obtained from an accommodating gentleman of the Hebrew persuasion, was brought to this country, when the unfortunate captain, upon presenting it, was immediately arrested as a forger, the acceptance turning out to be a forgery. The law officers of the Crown were, however, of opinion that under the circumstances legal proceedings could not be taken here. The captain returned to Portugal, and after a very considerable lapse of time he was fortunate enough to meet in Lisbon with the individual from whom he received the forged bill. The captain brought this person before the then Juiz Conservador at Lisbon, D. Leitao, and the consequence was that, in order to escape further judicial proceedings, he repaid the captain the whole amount of the bill, and thereby escaped punishment. Now, my Lords, it is a singular coincidence that this forger happens to be identical in point of name, of nationality, and of religion, with Mr. David Pacifico, who has subsequently preferred a claim upon the Greek Government. It may be that there was another David Pacifico, a Jew, at that time resident in Lisbon, and in that case I owe him every apology; but my information on this subject is derived from persons of undoubted respectability, who have long been resident in Lisbon, and who are perfectly cognizant of the facts, and who assure me positively that not only the names, but the individuals, are identical.

Then what are the circumstances under which M. Pacifico makes a claim upon the Greek Government? It seems that the Athenian mob take great delight on Easter Sunday in burning a representation of Judas Iscariot; but on Easter Sunday, 1847, in consequence of the presence in Athens of the Baron C. M. de Rothschild, the Government, out of compliment to that gentleman, took measures to prevent the assembling of the people. It is clear, then, that the loss M. Pacifico sustained is traceable to the presence of Baron Rothschild at Athens. If the Baron had not been in Athens, the figure of Judas would have been burnt, and, possibly, M. Pacifico's house would not have been plundered. An opinion arose, however, that M. Pacifico had obtained the discontinuance of this annual celebration, and a mob assembled, and, most indefensibly, made an attack upon M. Pacifico's house, and destroyed what furniture there was in it, and, indeed, according to his statement, everything else. The rapidity with which the mob effected this destruction appears to have been wonderful; but no doubt they did great injury to the house, and caused considerable alarm to M. Pacifico and his family. As I do not wish to exaggerate or overstate anything, I will say that, looking to these papers, it does not appear that there was any great activity manifested by the Greek police, either in putting a stop to the riot itself, or endeavouring to identify the rioters. It seems, indeed, from the papers, that the police were deterred from taking such steps in consequence of persons who had high connexions in the State being concerned in these outrages; and I think that circumstance gives to M. Pacifico a fair and reasonable claim to compensation for those injuries which he sustained in property or person, and which the Greek Government were unable or unwilling to prevent. But, when we come to look at M. Pacifico's bill of costs, it is really one which passes credibility. M. Pacifico, who had been born of Portuguese parents, had been consul for Portugal, and preferred certain claims against the Government of that country; and he complains, in one of the papers before your Lordships, that the Portuguese Government not having acceded to his reasonable demands, he was left in poverty and indigence. That is the statement he gives of his own condition in life. In the later papers laid before your Lordships, a statement is also made that he was unable to redeem a small amount of plate which he had lodged with the Bank of Athens, the whole value of that plate being only about 30*l.* It is said, in explanation, that that plate was deposited for the purpose of obtaining from the bank an advance of a sum of money at a low rate of interest, which M. Pacifico was in the habit of lending at an usurious rate of interest to the indigent population of Athens, *par la petite semaine,* and so turning an honest penny by a profit upon borrowed capital. That is the statement made by Mr. Wyse himself of the position of M. Pacifico, to explain the fact of his not having redeemed the plate he had deposited. Now, with this view of M. Pacifico's circumstances, your Lordships will be prepared duly to estimate the demand he makes for compensation to the amount of more than 31,000*l.* His demand for the destruction of his furniture and property amounts to nearly 5,000*l.*, and his claims on Portugal to above 26,000*l.* My Lords, I have said that, according to the statement of M. Pacifico, every article of his furniture was absolutely demolished or carried away, not a vestige left behind, except a basin full of broken crockery, and a single sheet of extraordinary fineness, which fortunately was left to prove the quality of its companions. But, my Lords, either M. Pacifico must be a man of the most extraordinary and accurate powers of memory that I ever heard of, or else, amidst this universal destruction, the plunderers must have been obliging enough to leave behind them a precise inventory of every item of furniture, and the value of each. My Lords, no upholsterer's catalogue can be more complete than that which occupies some pages of the blue book on your Lordships' table, enumerating, in the minutest detail, every article in M. Pacifico's house, from the sofas and chairs in the drawing room, to the stew-pans, the jelly moulds, the skimming ladles in the kitchen. Every article, too, in its proper place; in such a box so many coats and other articles of Mr. Pacifico's; in such a cupboard, so many gowns of Mrs. Pacifico's, so many silk stockings of Miss Pacifico's, with all the minutiæ of male and female apparel, into which I will not venture to follow the enumeration. Then the description of the furniture! Why, the house of this M. Pacifico, this petty usurer, who, as I have said, was trading on a borrowed capital of 30*l.*, is represented to have been furnished as luxuriously as it might have been if he had been another Aladdin with full command of the Genii of the ring and of the lamp. Now listen to the amount of a single couch in his drawing room:—

> "1 large couch in solid mahogany, British work, with double bottom, one of which in Indian cane for summer, 70*l.*; 1 bottom for the winter for the above, a cushion in tapestry embroidered in real gold (Royal work), 25*l.*; 2 pillows and cushion also, for the back of the whole length of the couch, in silk and wool covering, embroidered in real gold, as the bottom of the above couch, 75*l.*"

Total for one couch 170*l.* Now, I doubt if many of your Lordships have in your houses (I am sure I have not in mine) furniture of this gorgeous description. The bed-room is furnished on a scale of equal magnificence. In the first place appears a *Lit Conjugal,* (I prefer the original to the more homely translation of a "double-bed,") of which the following description is given:—

> "A *Lit Conjugal,* in solid mahogany, with four pillars richly carved, $2\frac{3}{4}$ long by $2\frac{1}{4}$ wide, with the back and the end carved, the crown in carved mahogany and carved frame, and a set of brass castors, worth 150*l.*"

My Lords, I cannot pretend to follow M. Pacifico into his minute details of the other articles of bed-room furniture; but it is right your Lordships should be made aware that every utensil was composed of the very finest porcelain. In addition to this bill of costs, there were the demands on the Portuguese Government, which amount to the moderate sum of 21,000*l.*, and, with interest included, to 26,000*l.*, for which all the papers were destroyed. And what was the nature of these papers?

They contained claims on Portugal for services rendered. These precious documents were all lost and destroyed. Your Lordships will scarcely believe that these precious documents consisted of protests of M. Pacifico, signed by his own hand, in the year 1847, showing that the Portuguese Government had repudiated absolutely, entirely, and in the most unqualified manner, every one of those claims; and because the Portuguese Government denied that they were indebted, and declared that they did not owe him one shilling, and that they would not pay him one shilling, the British Government, because these papers were destroyed, made a claim that the Greek Government should pay the 21,000*l.*, with the interest, which had been accumulating during the two years at 10 or 12 per cent; and the British Minister at Athens declared, under his hand and seal, that he believed that claim to be just and moderate. When the claim was first made, Lord Palmerston directed Sir E. Lyons, in December 1847, to state that the Government would, as soon as possible, fix the amount they intended to demand as compensation for the sufferings sustained by M. Pacifico, in addition to the loss which he had suffered; in regard to which in a previous despatch, Lord Palmerston had directed Sir E. Lyons to support M. Pacifico's claim if he considered it just and moderate. Sir E. Lyons said, in reply, that he believed the claim to be just and moderate, and that he had sent it in; and it was not till the February afterwards that Lord Palmerston began to intimate a suspicion that there might be some little exaggeration in the case of the Portuguese claims, and called upon Sir E. Lyons to send him word what was the particular nature of those claims, and how they were supported. Sir E. Lyons replied, that M. Pacifico could give no further information than he had already given—the list of his losses and claims; but Sir E. Lyons again made a demand on the part of England upon the Greek Government for the payment of these demands, without the slightest intimation that any deduction would be allowed. I know it may be said that we were not bound to the full amount of M. Pacifico's demand, and that we never meant to press the full claim. I think, then, it is matter of regret that the Greek Government were not informed what amount we did intend to claim; for your Lordships must observe that when the demand was made at Athens, in January 1850, it was required that all claims that had been sent in to the Greek Government, just or unjust, should be paid in full, with interest, within the period of twenty-four hours. Now, surely that was the time to have said, "We do not intend to press such and such claims, but we ask as compensation such reasonable sums as the Greek Government can have no difficulty in giving." But it was not till February, 1850, after the French intervention had been accepted, that Lord Palmerston intimated to Mr. Wyse that some proposition might possibly be made to diminish the gross amount of M. Pacifico's claim, and that, in such a case, Mr. Wyse was not to consider himself precluded from entertaining such a proposal, shewing clearly that up to that period he was precluded by his instructions. It was then, in support of the exaggerated pretensions of M. Pacifico—for with regard to the other claims there was little or no difficulty—that a British fleet was sent to demand compliance with an unreasonable request in twenty-four hours, and on failure of compliance to capture the vessels of a friendly Power, and to punish, not alone the sovereign, but the people and their commerce. M. Londos, the Greek Minister, only came into office late in December 1849, and on the 17th of January, when he had not been three weeks in office, the demand which had thus been enforced was made, without his having any opportunities of instituting inquiries to ascertain its justice. If I were not afraid of wearying your Lordships, I would call your attention to what I consider the calm and dignified, I might say the touching, reply given by M. Londos to this most extraordinary intimation that, without any attempt at a reference to other Powers, without any attempt at any mediation whatsoever, the claims of the various parties upon the Greek Government must be satisfied within twenty-four hours, or hostile measures would be had recourse to by the British Minister. M. Londos, on the 19th of January, writes—

> "I have received the note which you did me the honour to write to me yesterday. It would be impossible for me to express to you the feelings with which it has been read by His Majesty the King of Greece and his Government. The whole nation will partake them. Greece is weak, Sir, and she did not expect that such blows would be aimed at her by a Government which she reckoned, with equal pride and confidence, among her benefactors. In the presence of a force, like

> that which obeys your instructions, the Government His Hellenic Majesty can only oppose its rights and a solemn protest to acts of hostility committed in profound peace, and which, without speaking of other interests of a higher order, are a violation, in the highest degree, of its dignity and independence. In this sad conjuncture, certain of the support of the Greek people and of the sympathies of the whole world, the King of Greece and his Government await with sorrow, but without weakness, the end of the trials which, by order of Her Britannic Majesty's Government, you may still destine for them."

My Lords, a more becoming protest from a feeble Power against the encroachments of a mighty I never read in my life. I am sure that you will participate with me in feelings of sincere and earnest sympathy with the Minister of a people so unjustly assailed. And I think also that you will participate in my deep regret at the conduct of the Government that so assailed them. On the announcement of these hostile measures, offers of mediation were made, but made in vain, by the Ministers of France and Russia; and our system of reprisals was commenced. The vessels of the Greek State were, in the first place, seized by our ships, and when these were found insufficient to meet the demand—and mark, insufficient to meet the demand only because that demand comprised the whole amount of Pacifico's preposterous claim—an embargo was laid upon private vessels, and private commerce and private interests were interfered with, in the expectation that, by the pressure of distress upon their commerce, the determination of the Greek Government and of the Greek people would be broken, and that the full amount of the demand would be conceded. If any doubt could be entertained as to M. Pacifico's claims in full having been embodied in the demand of Lord Palmerston against the Greek Government, that doubt, I think, is set at rest by the despatch from Mr. Wyse, in which he states the result of measures so far, and the progress of the embargo. Let me here observe that the Greek people nobly sustained the protest which their Minister had delivered in their name, so that, if the idea of the noble Viscount was to effect his object by quelling the spirit of the Greek people, that object utterly failed; the sense of oppression rallied round the King of Greece, not only the sympathies of Europe, but the earnest zeal of his own people; who, if from their position they were not prepared to resist, were prepared, at least, to suffer all rather than sanction injustice. On the 18th February Mr. Wyse, writing home that coercive measures of greater stringency had been adopted, says—

> "The number of Greek vessels now here is thirty-six; two war-schooners and five merchant vessels are secured at Corfu; and with those mentioned as detained at Spezzia and Hydra, the total in our possession may now amount to about forty-seven. It is difficult to arrive even at an approximate value of this property, comprising shipping and cargoes; the vessels secured at Corfu are estimated by Her Majesty's consul at Patras at about 14,000*l.*"

Therefore, your Lordships see, with forty-seven vessels in his possession, of which seven alone were reputed worth 14,000*l.*, Mr Wyse states that he had not enough, as yet, to satisfy the whole of the demands he was empowered and ordered to enforce; whereas, excluding Pacifico's claim, the total of all the other claims made by the British Minister did not amount to 2,000*l.*, and, including Pacifico's exorbitant estimate for furniture and what not, and his 2,000*l.* demand for Mrs. Pacifico's jewels, and Miss Pacifico's jewels—which I forgot to mention to your Lordships just now—but, excluding his moonshine Portuguese demands, the entire amount of claim was 7,000*l.*, or not one-half the amount which seven out of the forty-seven vessels laid under embargo were calculated to produce. I ask your Lordships, can language go further to make proof complete that, at the moment now in question, it was intended, and fully understood by Lord Palmerston, that the whole of Pacifico's demand, including his ridiculous Portuguese claims, were to be enforced? [The Marquess of LANSDOWNE dissented.] I am very curious to hear the noble Marquess explain, then, how more than 14,000*l.* is wanted to satisfy claims of not more than 7,000*l.* in amount; and why the coercive proceedings were to be continued for a longer period, and for what longer period, in order to make up an amount equal to the demand? I have detained your Lordships so long on these original, and, as they appear to me, most important parts of the case, that I must pass very rapidly over the remaining portion; one, however, too deeply and vitally important to be overlooked, the effect, namely, which those measures have had, and which they are calculated to have, on our relations with foreign Powers. I have endeavoured, so far, to explain to your Lordships the various claims against the Greek Government; some doubtful in point of justice, as the Salcina case; others exaggerated in amount, as your Lordships, I think, will admit the Pacifico claim to be; which claims, doubtful in justice or exaggerated in amount, our Foreign Minister has sought arbitrarily to enforce by coercive measures against the commerce and people of Greece. But, first, let me read to your Lordships an extract from one of Mr. Wyse's despatches, detailing the effect of the screw he is applying to Greek commerce and to the Greek people, to force them to yield compliance: the *naïveté* is absolutely amusing:—

> "The embargo, too, and seizures, are beginning slowly to produce their effect. The irritation, at first naturally directed toward us and our proceedings, now that the question is better sifted, is turned towards those who have compelled us to such a course. A deputation from Spezzia was to have been received yesterday. Others will follow from Hydra, and probably Patras. Public opinion at Athens—where the truth is now known, and (now mark what follows), provisions are rising in price, will second their applications."

The combined operation described of moral and physical causes upon public opinion, the knowledge of the truth, and a rise in provisions, is quite edifying, and quite in character with the whole affair. I must be permitted to entertain my own opinion, that the latter case was to the full as effective as the former. Before I leave this part of the subject, let me do justice to the officers employed in executing the orders of our Minister. I am bound to say, strongly as I disapprove of the course of our Government in the matter, that I do not find that Sir W. Parker, or any of the officers engaged in executing these orders, overstepped in the slightest degree the letter of their instructions; on the contrary, I find that they fulfilled their very painful task with firmness of course, but at the same time with temper and moderation; and I believe I am only doing bare justice to the distinguished officer I have named, and to the officers acting under him, when I express the belief that they would, one and all, rather have been engaged in deadly conflict with the fiercest enemy this country ever encountered, than have seen the honour of the British flag thus prostituted by attacking a weak, unoffending people, interrupting harmless commerce, and plundering wretched, half-pauper fishermen of their sole means of subsistence. Let me now advert to the effect which this step—this violent step—is calculated to have upon our relations with foreign Powers. I need only ask your Lordships to look at the papers on the table to satisfy yourselves what that effect has already been. In the very first instance, Baron Brunnow, the Russian Minister at St. James's, without any instructions from his Court, felt it to be his duty to call upon Lord Palmerston for an explanation of the course the noble Viscount proposed to take with Greece, a country, he reminded the noble Lord, with which other countries than England were concerned politically, upon which other countries had pecuniary claims, and which, also, had claims upon the protection of other countries as well as England. Baron Brunnow was assured by Lord Palmerston that it was merely intended to seize on the vessels of the State, and to detain them as security till the indemnification due to British subjects should have been made by the Hellenic Government. In the event of these measures proving insufficient, Lord Palmerston announced the intention of blockading the ports of Greece. And while Baron Brunnow expressed an opinion that this latter measure, if resorted to, might be considered as overstepping the bounds by which reprisals are separated from hostilities, he, nevertheless, intimated his satisfaction with the general assurances given by the noble Viscount, and especially with his promise to give due weight to this last consideration. When, however, the actual progress of things became known, the despatch of the 19th February, 1850, was addressed by the Russian Minister to Lord Palmerston, couched in language which I will not distress your Lordships by repeating; language which it must be deeply painful to a British subject to read as addressed to a British Minister, but doubly painful when he reflects that, bitter, imperious, offensive as the language is, it is not more bitter, more imperious, more offensive, than the occasion justified. The Russian Minister did not deny that England had claims upon Greece, but he contended, most justly, considering the relations in which France and Russia stood towards Greece, that, before extreme measures were adopted by England, some intimation at least was due to Powers equally with herself concerned in maintaining the independence of the weaker Power:—

> "If," said he, "before resorting to the *ultima ratio* which has been adopted, the English Government had apprised us that its patience was exhausted, if the efforts which we should not have failed to make in Athens to induce the Greeks to come to an arrangement, had proved ineffectual, we should not, M. le Baron, pretend that England ought to submit her claims indefinitely to the re-

sult of our interference. But the English Government did not take the trouble to inform us; not a word of notice was given to the Russian and French Representatives in London; not one communication has been addressed to Petersburg or to Paris, which could lead to the notion that the English Cabinet was on the eve of proceeding to such extremities against Greece. Russia and France only heard of this when the mischief was done."

And he winds up with the following emphatic language:—

> "The Emperor charges you, M. le Baron, to address on this subject serious representations to the English Government, to urge them in the most pressing manner to hasten the cessation of a state of things at Athens which nothing justifies or necessitates, and which exposes Greece to losses as well as to dangers, out of all reasonable proportion to the claims made against her. The reception which may be given to our representations may have considerable influence on the nature of the relations we are henceforth to expect from England, let me add, on the position towards all the Powers, great or small, whose coast exposes them to a sudden attack. It remains, indeed, to be seen, whether Great Britain, abusing the advantages which are afforded her by her immense maritime superiority, intends henceforth to pursue an isolated policy without caring for those engagements which bind her to the other Cabinets, whether she intends to disengage herself from every obligation as well as from all community of action, and to authorise all great Powers, on every fitting opportunity, to recognise towards the weak, no other rule but their own will, no other right but their own physical strength."

It is true that shortly after this first despatch from the Russian Court, another despatch was communicated to Lord Palmerston, couched in terms of moderation, for which I give great credit to the Emperor; but this was a despatch based upon the circumstance that the mediation, the friendly offices of France, had been accepted.

> "As in our eyes," says Count Nesselrode, "the interest of the Greeks outweighs every other personal consideration, we will not insist on the want of courtesy of which we intended to complain, and we do not intend to demand to be admitted after the time into a mediation already entered upon, and which perhaps at this moment will have produced a favourable result for Greece. If the good offices of France can operate efficaciously in favour of the Government of King Otho, and contribute to lighten the weight of the pecuniary claims raised against him, we are ready to congratulate ourselves thereon most sincerely."

Have your Lordships read Lord Palmerston's reply to their communication? Oh, the humble meekness of that reply! Oh, the difference between the tone in which he answers this overbearing language from the powerful Court of St. Petersburgh, and that in which he puts down the humble remonstrances of the feeble Court of Athens! He hardly thinks it necessary, forsooth, to reply to the earlier note, which, as appears by the second, had evidently been written under a misapprehension, which subsequent information appears to have entirely removed. But to that reply of the noble Viscount there has been a rejoinder. Will the noble Marquess tell us what that rejoinder is? Does that rejoinder establish perfect amity between us and Russia? Does it satisfy the noble Marquess that there is not jealousy, alienation —I had almost said hostility—in the mind of Russia towards us; hostility that may not break out now, but which may seriously and very alarmingly operate upon the position of this country hereafter. Will the noble Marquess tell us whether any subsequent communications have been received from Russia, any from Austria, which may tend to show how far the extravagant pretensions we have put forth may affect the future position of British subjects residing in those countries? My Lords, we had, up to a certain point, one cordial friend in these transactions, perhaps our only friend in Europe; we were on cordial terms with France. Do those terms subsist still? No man values more than I do, friendly relations with that great country. I trust that what we see at present is only a passing cloud, which will soon blow over. I trust I have said, and shall say, not a word calculated to impede the amicable settlement of our most unhappy disagreement with France upon this matter. But what has been the course pursued by our Government towards France, in return for the most friendly course which she pursued towards us? She came with no angry remonstrances—she came with no complaints of her own. She felt the painful difficulty in which you were placed. Without a word of complaint of the manner in which her rights in relation to Greece had been set aside by our Foreign Minister, she generously and frankly tendered her good offices; those good offices were accepted, but upon conditions and within limits which, from the outset, promised very ill for their ultimate success. On the 5th of February a private offer of mediation was made by the French Minister at our Court; on the same day Lord Palmerston wrote to Mr. Wyse that he expected to receive a formal offer of the good offices, not the mediation of the French Government, of which he should forthwith instruct him, and desired him meanwhile to be prepared to act upon those instructions, and to suspend coercive measures. The formal offer was received by Lord Palmerston on the 7th of February, yet on the 8th Lord Palmerston writes to Mr. Wyse, takes no notice of any such offer having been made, gives no instructions to suspend coercive measures, and those coercive measures are continued for ten or eleven days longer, to the infinite misery and injury of an unoffending people. The good offices of France, however, were accepted, and I confess I look with surprise at the extent of friendliness manifested on the occasion by France in accepting a mediation restricted within such narrow limits, and bound by such conditions, the French mediator at Athens, or Minister, I hardly know what to call him, being made simply the medium of communications between the English Minister and the Greek Government, and the English Minister being instructed to adhere to his demand in regard both to principle and to amount. It is true that at a subsequent period these absurd limitations were somewhat extended, and the principle of our demands being assumed, the amount was left subject to discussion. A misunderstanding nevertheless occurred, and the French Minister found it necessary to intimate that he should refer to his own Court, and in the meantime suspend his functions; but still this intimation in no degree justified Mr. Wyse in describing the mediation as at an end, for it had been expressly stipulated that, in the event of any such misunderstanding, the *status quo* should remain until reference had been made to the respective Governments. That such was the intention of the French Government is manifest from a despatch from the Marquess of Normandy to Lord Palmerston, under date the 9th of May, in which he says—

> "But I am bound to state that such has been the impression here; and from General de Lahitte's constant language, I do not believe that he would have continued the good offices of France had he believed that they could have the termination they have now received."

Well, my Lords, that is the statement made by Lord Normanby of the view the French Government had of the instructions that had been sent to the British and French Ministers at Athens. That despatch was written on the receipt of a telegraphic account of the recommencement of hostile operations by Admiral Parker. On the 10th Lord Palmerston merely acknowledges the receipt of the foregoing despatch; but, on the 11th, having received despatches from Mr. Wyse, he enters fully on the subject, and examines the practical differences between the convention which had been in the mean time agreed upon between him and M. Drouyn de Lhuys, and that which had been enforced at Athens. I looked, my Lords, with anxiety to see what was the answer that Lord Palmerston gave to that ground of complaint, that instructions had not been sent to Mr. Wyse simultaneously and to the same effect as those sent to the French Minister, namely, that in the event of any difference of opinion between Mr. Wyse and Baron Gros, reference was to be made at home. I don't find a declaration made that that was not the understanding; I don't find an expression of regret that General de Lahitte had been led into any misapprehension; I don't find any answer whatever to the allegation, that from the first such had been the understanding. Now, that no such instructions were sent is perfectly clear; but it is equally clear and notorious that unless the French Government had understood that such instructions were to be sent, they would not have entered into or carried on the negotiation.

But, whatever might have been the understanding, or misunderstanding, at the outset, it is undeniable that such an arrangement was definitely come to on the 9th of May; and in the meantime, it being felt by France and England that difficulties might arise at Athens, and probably interfere to prevent any settlement being arrived at, a convention was proposed by M. D. de Lhuys, and with very little alteration accepted by Lord Palmerston. And the very day after the suspension of the negotiation on the part of Baron Gros, Baron Gros received from General de Lahitte, under date of the 12th, from Paris, an intimation that such a convention was in contemplation, and, that in the meantime, in case of differences they were to wait for instructions from home. He then writes in haste to Mr. Wyse, acquainting him with the extent of his despatches, and he says, "Here's an escape from our difficulties. I retract my note of yesterday. I entreat you to receive this. I have this positive information. Come to me and I will show you my instructions, and for God's sake take no coercive measures until you shall receive corresponding instructions to mine." Now, I want to know why those corresponding instructions were not sent? Mr. Wyse's answer was, "I have no such instructions from my Government, and therefore I cannot be guided by your instructions; and cannot for one hour suspend coercive measures." I repeat, I want to know why those instructions were not sent? That they were not is a matter of notoriety. Now, hear how Lord Palmerston explains the circumstance. Mark, all depended upon it—the settlement of the Greek question—the amicable settlement of it—the prevention of the renewal of hostilities, the maintenance of a thorough good understanding between France and England, or the avoidance, at least, of increased misunderstanding between France and England. These instructions were agreed to on the 9th, and Lord Palmerston says—"The existing arrangement of the packets for communication with Greece afforded me no opportunity, that I was aware of, of writing to Mr. Wyse between the 9th and the 17th of April." Now, on the most delicate of all questions of international interference on which the whole thing turned—having come to an arrangement with the French Government on the 9th of April, Lord Palmerston did not think it worth his while to intimate by extraordinary means to the Minister at Athens, that any arrangement had been come to, but was perfectly content to wait for the ordinary packet on the 17th. Why could he not send till the 17th? General Lahitte received the intimation of the proceedings of the 9th, at Paris, and he found no difficulty, on the 12th, in making a communication to Baron Gros; yet Her Majesty's Secretary of State for Foreign Affairs, not knowing, forsooth, that a packet was about to sail, was not aware that there were any means of communicating with Mr. Wyse before the 17th. But he goes on to say that even if he had been aware, on the 15th, M. Drouyn de Lhuys came to him with a different arrangement, and in consequence of that, a convention was entered into. Yes, but up to the 15th there was no prospect of a convention being entered into, and by that time the mischief had been done; force had been had recourse to again; and, not by means of an amicable arrangement, not through the mediation of a friendly Power, but solely because M. Gros could not reconcile it to his soul and conscience to demand 180,000 drachmas for M. Pacifico's claim on Portugal, the mediation was suspended, and force was had recourse to, which need not have been the case if Lord Palmerston had only taken the trouble to send a special messenger to Mr. Wyse. Is not that trifling with a great question? Is it not throwing away the chances of a reconciliation? But a convention is established in London; and what are the terms? That if any other arrangement should have been come to in the meantime by the three Ministers of France, Greece, and Great Britain, be it more advantageous or less advantageous to either party, the convention of London was to be set aside, and that agreement adopted. No such convention had taken place; "but another settlement had been made," says Lord Palmerston, "not by all the three Ministers engaged in the negotiation, but by direct communication between the Greek and British Ministers, and as the result of the renewal of hostilities by the British squadron." Now, what would have been more natural than to have said at once, "An understanding has been come to at Athens; to a certain extent it has been acted upon, but to the extent that it has not been acted upon, I accept your convention of London. I prefer the good offices of France, rather than the intervention of our naval force. I prefer to owe the settlement of this great question to the good offices of the French Government. Lord Palmerston goes on to state, though there is little difference between them, that he is still not prepared to adhere frankly to the convention of London, but would still persist in the course he had pursued. It appears to me that in refusing to accept that convention, even at the last moment, Her Majesty's Government has been unjustifiably trifling with the Government of one of its most friendly allies. It is said that the agreement entered into with regard to M. Pacifico in Athens was less favourable to Greece than that entered into in London. It is not so, however, to the full extent, because under the convention of London Lord Palmerston and M. Drouyn de Lhuys, feeling that here they had no power really to estimate the actual amount of loss sustained by him, conferred upon the negotiators at Athens the power of lessening that amount, if it should appear to require it. But, with regard to another very important point—and it is the more important because it is the very point on which Lord Palmerston says that even if Mr. Wyse had received instructions he could not then give way, inasmuch as it involved a question of principle—namely, the recognition and deposit of 150,000 drachmas for the claims on Portugal—upon that point the treaty of London is altogether silent. And that which Lord Palmerston thought it necessary to instruct his subordinate to insist upon as a *sine quâ non*, he had not even inserted in the convention. But as regards the claim of M. Pacifico against the Government of Portugal—that claim which Portugal had repudiated—that claim which Sir W. Parker, when he had a fleet on the coast of Portugal, determined not to support—that claim which M. Pacifico, a British subject, has never claimed the intervention of England to enforce upon Portugal—that claim was left by the convention of London to the mediation of France, and Greece, and England; whereas, by the terms imposed at Athens, it was to be arranged between England and Greece alone, that is in other words, it was to be subject to the dictation of England.

I am aware of the great length of time I have detained your Lordships upon this important question; and there is only one more point on which, for a single moment, I shall claim your attention; but it is one of considerable importance. I mean that which refers to the question of the territorial disputes that exist between this country and Greece. The amount of territory is incalculably insignificant. The two islands in dispute are not worth the paper that has been consumed in the discussion of them. But they form a question on which France and Russia have an actual and undisputed right to be consulted—a question with regard to which England has not the right of independent action. Be the justice of the case what it may, the question is, whether those islands are, or are not, an integral portion of the Greek State; and England, one of the three protecting Powers, cannot take upon herself to interpose by her absolute authority between her own State (the Ionian Islands) and the State of Greece, and to decide between the two to which the territory belongs, setting aside the claim of Russia and France to enter their opinions and enforce their judgment with regard to the fact of that territory forming part of Greece or not; and upon this subject you have very significant evidence that Russia will not tolerate an interference, single-handed, by England, and that France will not tolerate it either. But now, when you have had the indignant remonstrance of Russia—when you have been told by Russia that she will not tolerate that infraction on her rights, now, I suppose, you are about to recede from the position you took up. But previous to that declaration, so far as Lord Palmerston and the Government of this country are concerned, in October, 1849, orders were issued, which at this moment are unrescinded, so far as these papers show, to the commanders of Her Majesty's naval force to seize on the islands of Sapienza and Cervi, to expel the Greek inhabitants, and to take possession of those islands in the name and on behalf of the Ionian States.

My Lords, this demand is made in the most peremptory terms. For years it has been matter of negotiation—for years it has been pending, and certainly no great activity has been shown by Her Majesty's Government. Years and years ago, Greece was promised the documents on which you founded your claim, but as yet no such document has ever appeared. In the month of November, I think it was, Greece did put in a detailed answer to the claim brought forward on the part of the Foreign Office to the possession of Cervi and Sapienza, and vindicated, and, I think, by no unconclusive reasoning, or at all events by reasoning which makes the matter one of considerable doubt, her own claims, whilst she rejected the claims of Great Britain to the possession of these two insignificant islands. What was the answer of Lord Palmerston? Is it that the receipt of that intelligence induces him to pause, and to take no steps until he shall have replied, and brought the matter, by negotiation, to a satisfactory issue? Not at all. In his usual off-hand fashion, in January, he declares that there is no force whatever in the arguments of Greece, concluding with an argument which, with due respect to the noble Viscount, I must say is perfectly absurd, that because these islands are not mentioned by name in the treaty, they could not belong to Greece—a condition which would declare that neither Salamis, nor Egina, nor any one of the islands on the southern coast, belonged to Greece. For that reason he declares the claim of England to be undoubted and indisputable. And, my Lords, so far as the Secretary of State for Foreign Affairs is concerned, it did not rest with his discretion that at this moment forcible possession has not been taken of Sapienza and Cervi. Orders were issued, and they have never been rescinded. They were issued without reference to France or Russia, and without the consideration of the effect which they might produce upon these two Powers; and it was Sir W. Parker and Mr. Wyse who, on the 15th of February, took upon themselves to write to Lord

Palmerston, and to say that, pending the receipt of further instructions, they had taken it upon themselves not to act upon the instructions which the Secretary of State had given them to take forcible possession of those islands. Here, then, is the position you are in with regard to those petty territorial possessions. You have put forward a positive demand—you have overlooked the claim of Russia and France to interfere. Fortunately for you, your officers had more discretion than yourselves, and refrained from acting upon your instructions. And now, in the teeth of what I call, with deep regret—I cannot otherwise characterise it—an offensively-couched intimation, on the part of Russia, that such a proceeding on the part of England cannot be tolerated, this country will be compelled, in the teeth of that remonstrance, but compelled also by right and justice, to recede from the position which, rashly and intemperately, has been taken up by the Foreign Minister.

My Lords, I trust I have succeeded in substantiating, first, that of our claims some have been exaggerated in amount, some doubtful in point of justice—that they have been enforced, by coercive measures upon the Greek people, and that the course of our proceedings has been calculated to endanger—I go further, and say, has seriously affected—our amicable relations with foreign Powers. God grant, my Lords, that the consequences, the natural consequences, of these proceedings, may not follow! God grant that the wound which has been occasioned may be healed by a more conciliatory course of conduct! God grant that nothing may interfere to prevent the continuance of a friendly feeling between the Great Powers of Europe, whose concurrence is essential to the maintenance of the peace of the world, and the well-being of mankind at large. But if those happy results should follow, they will not be owing, in my humble judgment, to the temper, moderation, or good sense with which the British Government have conducted their foreign affairs.

My Lords, if you concur with me in the facts as I have related them, you cannot refuse to concur with me in expressing your regret at such a state of things. I ask for no more. If, indeed, we have been guilty of injustice—if, indeed, we have been guilty of making exorbitant demands—if, indeed, we have oppressed the weak—and if, indeed, we have endangered our relations with the powerful, surely it becomes this august assembly—surely it becomes the British Legislature—to step forward and to say that the Foreign Office of England is not England; that the high-minded, generous English feeling of this great people is opposed to measures such as have been taken by the Government of the country—that we separate our actions from theirs, our feelings from theirs, our views of political matters, our views of justice and good faith, from theirs. I know, my Lords, the weight of private and personal influence that is brought to bear with your Lordships on this question; I know the amiable qualities of the noble Lord at the head of the Foreign Department. Personally, I entertain for him a sincere regard and private friendship; but I am bound here to speak, not of the man, but of the Minister; and thus feeling and regarding him as a man, I must, in this case, express my deep regret at the conduct which, as a Minister, he has felt it his duty to pursue, and call upon your Lordships to recollect that this is no case in which personal feelings ought to be indulged. I must call upon you to remember that you are here in the discharge of a great public duty—that you are here acting in a judicial capacity—that you are here acting as the means possibly of reconciling differences between conflicting nations—at all events, that your judgment to-day may go forth to the world and vindicate you from the stigma and the opprobrium which, as I think, must attach to that great and mighty Power which prostitutes its undoubted superiority by enforcing unjust or exorbitant demands upon a feeble and defenceless ally. My Lords, I beg to move—

"To resolve, that while the House fully recognizes the right and duty of the Government to secure to Her Majesty's subjects residing in foreign States the full protection of the laws of those States, it regrets to find, by the correspondence recently laid upon the table by Her Majesty's command, that various claims against the Greek Government, doubtful in point of justice or exaggerated in amount, have been enforced by coercive measures directed against the commerce and people of Greece, and calculated to endanger the continuance of our friendly relations with other Powers."

The MARQUESS of LANSDOWNE: My Lords, I rise to state the grounds on which I ask your Lordships to refuse your assent to the propositions made by the noble Lord; and, in doing so, while I do not in any degree dispute the unquestionable right of the noble Lord to make these subjects matter of discussion in this House—while I do not dispute the right of the noble Lord to hold Her Majesty's Ministers in this House responsible, one and all, as we admit that we are responsible, for the proceedings on which he has pronounced so unfavourable a judgment, I yet must be permitted to say that it will be a subject of consolation to my noble Friend who is at the head of that department which is most immediately concerned in these transactions, to perceive that in that assembly, of which I may be permitted to say, though he is my Colleague, that he is one of the most distinguished ornaments—in that assembly in which, perhaps beyond any assembly in the world, the mercantile and manufacturing interests of the country and of the world are adequately represented—those interests so constantly and naturally alive to everything that stirs the calm surface of affairs—in that assembly in which there is a party which has adopted for its standard and watchword the preservation of peace—that in that assembly, which has gained, by long habit, a cognisance of all those transactions which are connected with the public expenditure — there has not, up to this moment, been one single intimation of an intention to bring these transactions into question; but that the questions that have been put upon this affair, when subjected to the test of fact and truth, have vanished into air, and there has been left behind no recorded intimation of the intention ever again to renew them. I say that this is a matter for some congratulation to my noble Friend. In this House, however, the noble Lord (Lord Stanley) has willed it otherwise. The noble Lord here is on his own ground, and upon that ground, though far from insensible to the power of his weapons, and the skill with which he uses them, it is my duty this night to meet him. My Lords, I take the resolution which the noble Lord has submitted to you, in the character, as he says, of impartial judges; and I take this resolution as he proposed and explained it to your Lordships; for there is this remarkable circumstance, that the noble Lord, for the purpose of obtaining the assent of your Lordships, found it necessary to spend the first part of his speech in explaining what that resolution did not mean, because—as the noble Lord appears to have discovered — a more objectionable resolution as it stands, one more entirely at variance with the past policy of this country, one more contradicted by the past policy of all nations, and one more calculated to take away from future Governments, as far as a vote of this House can take away, the grounds upon which they may be called upon to vindicate the honour of the country, and to maintain the security of British subjects, never was proposed to a British Parliament. But the noble Lord, sensible, upon reflection, of the obvious construction of the terms in which he has embodied his resolution, commenced his speech, as I have said, by qualifying its meaning to a great extent. The noble Lord, in his speech and in his resolution, is graciously pleased to admit that British subjects throughout the world are entitled to the protection of the laws of the country in which they happen to live. Such are the terms of the noble Lord's resolution, which he has not proposed to qualify as regards the vote he asks your Lordships to come to, although he has qualified them in his speech. As the resolution stands, it implies that in every despotic, in every military country, every British subject is at the mercy of those despotic and military Governments, because there happens to be no law to provide security for them, and that they are not to be protected against the enforcement of the despotic laws of the country in which they reside. The noble Lord says, although his resolution does not, that he does not mean despotic countries. Why does not he so express it in his resolution, then? If he means his resolution as an index to the law of nations, why does not he make it a correct one? Why not say at once that he means, as I know he does mean, that in every free, constitutional, republican, monarchical, and, above all, despotic country—for it is in despotic countries that protection is most required—that in all countries, whether free or despotic, British subjects have a right to be protected? Because, unless this is clearly understood, it might happen that in a country without reason or law—it might happen, for instance, that in China or India the most serious injuries might be inflicted upon a British subject; it might happen that a British subject has his head cut off by a Turkish janissary, or that he is killed in Egypt in some other way, because there is no particular law to prevent it, and we should not be entitled to ask redress for the wrong so done to him and his family. Such would be the necessary consequence of the resolution of the noble Lord; but even with the explanation which the noble Lord has given of his resolution, I must say I go far beyond the noble Lord in that explanation. I think that this country would abandon that part which she has hitherto taken in the world—I think she would abandon that right which is most essential to her welfare and prosperity as a great commercial country—if she were to abandon the right to enforce an exemption of her subjects from wrong in every part of the globe. Injuries may be inflicted upon subjects of this country in a variety of ways not included either in the resolution or doctrine of the noble Lord; injuries may be inflicted by law, they may be inflicted against law, or they may be inflicted without any law at all; they might be inflicted by the officers of a Government acting under the orders of that Government, or they may be inflicted by individuals whom the Government might have controlled, but did not; and in every one of those cases it is obvious that for the protection of those of our subjects who are carrying on lawful commerce and enterprises, we should be bound to apply the best remedy we could. Let us see how this applies to the case which the noble Lord has submitted to your Lordships; for, although I am far from attempting, even if my strength permitted, to follow the noble Lord in every one of the observations he has made in the course of a very long speech—although it probably did not appear to your Lordships long, for undoubtedly it was a very able speech—although, I say, I have no intention of following the noble Lord through all the details into which he entered with respect to the upholstery items of M. Pacifico's claims, and whether the Ionians were tortured in this way or that—all circumstances which are beside the principle of the case, if you once admit that injury has been inflicted—I must say a few words with reference to it. But before proceeding to do so, I think it right to state at once to your Lordships, what is the practice of the world in such cases. And I state with confidence, in opposition to the assertions of the noble Lord, that the practice of all countries, more especially of maritime and commercial countries, has been to protect their subjects in every part of the world, and, where that protection has been denied by the laws or by the Governments of those countries, to procure that redress by force. My Lords, I wish that your Lordships should see how we stand in relation to this subject. Many of your Lordships must be aware—the noble Lord himself cannot but be aware—that Great Britain, France, and the United States have from time to time been in the habit, without consulting anybody, without thinking it necessary to invite the opinion or consent of other Powers, to proceed to claim redress where injuries have been sustained by their subjects, to threaten force for the purpose of obtaining that redress, and even of using force when those threats were found of no use. I was quite aware that many such cases existed, but I was not aware that they existed in such numbers till a very short time ago. Going back for a period of only thirty years, I find that in respect of Great Britain eighteen instances have occurred; in France, fourteen or fifteen instances; and in the United States not less than sixteen or seventeen instances, in which immediately or almost immediately—in most cases I believe immediately—upon the wrong being inflicted redress was claimed, and upon that redress not being immediately granted the application of force has ensued and been effectual, and that without calling for the approbation or even the opinion of any Power that was not concerned. But I must here notice that the noble Lord's language with respect to Greece seemed to me studiously ambiguous. Does he mean to say that there is any difference in the responsibility of the State of Greece as compared with any other independent country? The noble Lord seemed to think that the guarantee to which he referred placed Greece in a peculiar condition; but the fact is—and it has been distinctly admitted by Russia—that the guarantee is only territorial. Greece has been distinctly admitted—as the noble Lord will find in those papers—by Count Nesselrode, to be an independent State; and it could not be an independent unless it were a responsible State. Give me the case of a State whose independence has been taken away—give me States that are without connexion with a federal government, to which they are amenable, and there will be something in the noble Lord's argument; but I contend, my Lords, that with respect to the Greek Government, there has not been, from the instant of its original recognition by the Powers of Europe, any one transaction which has taken away from it the character of an independent and responsible State. My Lords, she has taken care more than once to show you that she has so considered herself, for during that time she has been at the point of going to war with Turkey, without consulting any one of those Powers whom the noble Lord supposes to be her guardian angels. I therefore say, my Lords, that this is a case precisely parallel to those other States who have been required to submit to a reparation of any injuries which they may have inflicted. I have told your Lordships that there are a large number of cases in which other States have adopted precisely the same mode of obtaining redress as we have done in the case of Greece; agreeably to the same law of nations, as that law of nations has been laid down by the most eminent writers on international jurisprudence. I could cite no fewer than forty or fifty cases; but I will not fatigue your Lordships by doing so. I will only cite one or two, because I think them peculiarly apposite to the particular case now under review. I shall first refer to the case of Venezuela, and I select that because, contrary to the opinion of the noble Lord, the subjects of this country were protected in a manner different from the subjects of that republic. In the case of Venezuela a law was passed preventing creditors from recovering their debts in the ordinary way. The subjects of this country, considering themselves aggrieved—considering that they had entered that country on the faith of a different system—on the faith of their property being secure—remonstrated through the medium of the British Government, and that remonstrance not having been effectual, a naval force—respecting which the noble Lord seems to feel so much horror—a naval force was sent for the purpose of obtaining redress, and that redress was then immediately granted. Then there was the case of Peru—a case which did not occur under the administration of my noble Friend, but in 1844. At that period, during some disturbances which occurred in Peru, the houses of some of the English residents were plundered, and various acts of outrage and injustice committed upon them. Redress was immediately demanded by this country, and was obtained in that case; but how was it obtained? By the appearance of a naval force, and by a very peremptory demand, quite as peremptory as any language of my noble Friend, that those outrages should be compensated and apologised for; that those persons who inflicted those outrages should be dismissed. I don't know whether the noble Lord considers Peru a stronger or a weaker State than Greece. For my own part, I cannot see that there is any great difference between them, or that anything unjustifiable has occurred in the case of Greece which does not equally apply to the case of Peru. But is the noble Lord not acquainted with the case of Naples and France? I have no hesitation in saying that, although I do not take upon myself to disapprove of the course pursued in that case by the French Government—that although I know that no other country remonstrated, and that Naples itself acquiesced—it was infinitely stronger interference on behalf of the French subjects than any in which my noble Friend has interfered on behalf of British subjects. An insurrection, it appears, occurred in Naples, and barricades were raised by the mob. In the course of an attempt which was made by the Government, and which was finally successful, to put down the barricades, certain houses were broken into—the principal part of them being Neapolitan houses, but including also some French houses. After those houses had been broken open for the purpose of destroying the barricades, the mob seeing the doors open, entered the houses and plundered them. The French Government instantly sent to Naples to say that French subjects had had their houses plundered by a Neapolitan mob; that although the Neapolitan Government were not able to prevent it, they yet held them responsible for the property which had been thus destroyed; and upon this ground—but not until a naval force—that expedient which the noble Lord so much objects to, was sent—reparation was made by Naples to the French subjects, although the Neapolitan subjects were left entirely without redress. There having been no law in the country by which the Neapolitan subjects could claim redress, they were entirely left without any; but the French Government held that there was a general law of nations which entitled foreign subjects, while in pursuit of their lawful calling, to protection from the Government under which they happened to live; and upon that ground they succeeded in obtaining redress. What is going on at the present moment? A great many outrages have lately been committed upon American ships and sailors by some Portuguese subjects. Without applying to courts of justice, the strongest remonstrances have been made by the Government of the United States against these proceedings, and I have every reason to believe that at this moment there are vessels of war on their way to Lisbon for the purpose of demanding redress, without calling for the interference or asking for the opinion of any other Power. Here are a series of instances in which a mode of settling questions was adopted which the noble Lord seems to think constitutes a new sort of law, which he has termed the "wilful law" of each State, acting for its own benefit, but which "wilful law" proves to be the regular and well-understood law under which all States act in the case of injuries done to their subjects in foreign countries. Why, an independent Power would think it a degradation to ask leave of a third Power whether it might or might not enforce its claims by force. My Lords, I now come to the particular claim upon which the noble Lord dwelt at some length, and which forms the subject of his present resolution, in the first place premising that however entertaining were the observations which he was tempted to make upon that case for the amusement of the House, considering it as a question of justice and principle, I cannot entirely agree with the noble Lord. I confess I hardly expected that, whatever may have been said in pamphlets and newspapers on the question of those claims, the noble Lord would have condescended to rest any portion of his argument upon those details. If the noble Lord will refer to the history of this country and of the world, he will find that principles on which the honour and happiness of countries depend, are often involved in circumstances which, so far as regards the amount, are insignificant. The time has been when a claim was made, poor and miserable, and paltry the noble Lord might say, and such as ought not to have agitated the country; but involving, as it did, a very small amount, that claim of shipmoney also involved one of the greatest principles, and in support of those principles, which have ever since formed the standard of our constitution, men were found ready to embark their lives, their swords, and their hearts. Again, the noble Lord has dwelt much on the character of the persons whose claims were to be vindicated on the present occasion, and especially referred to statements which ware calculated to damage the character of the unfortunate M. Pacifico. I beg to say that the character of M. Pacifico has nothing to do with the question. We all remember how the country was agitated by the unlawful proceedings directed against Mr. Wilkes. I have nothing to say of Mr. Wilkes now; but it was alleged his character was one remarkable for immorality and gambling and was vicious in various respects. But that character of Wilkes did not prevent Lord Chatham and the greatest men of the time from advocating the cause with which the name of Wilkes happened to be identified; they thought it due to the country to vindicate the principle which was involved in that cause, because, although he might not only be a gambler, but might have cheated in his gambling, and not only regardless of religion and morality, but an atheist, they felt that it was not for them to examine what were the morals and habits of Mr. Wilkes before they determined what course they should pursue with reference to the issue of a general warrant which directed a search of his house and papers. So I say here, my Lords, the character of M. Pacifico, whatever may be the circumstances to which the noble Lord alluded, does not affect the question with respect to the validity of his claim to protection as a British subject, and with respect to the duty incumbent on the British Government. The case—all the case of M. Pacifico—was extremely well illustrated by a most respectable resident at Athens, of high character in this country and of high character there. It appears that M. Pacifico had been subjected to the most unjust persecution, that charges had been accumulated against him; and the gentleman to whom I allude illustrates the true position of matters exceedingly well by reference to a case which came on in Westminster-hall, and in which the instructions given to counsel were described to be—and the brief given to the noble Lord seemed similar in character—"The case is a very bad one; but you may abuse the plaintiff's attorney." True, says the noble Lord, the house of M. Pacifico ought not to have been burnt, but he is a man of dreadfully bad character. That is not the way in which the question at issue ought to be argued. Because the individual whose interest happens to be concerned may be of equivocal reputation, that is no reason why his case should be repudiated as if it were unjust. In a work to which I have referred with pleasure on every occasion when it has been necessary to cite its authority—a work which holds an important place in the literature of the country as it does in the law—I mean that work collected under the title of *Judgments of Lord Stowell*, not less remarkable for the weight of its decisions than for the exquisite polish of its language, your Lordships will find it recorded as a matter of fact—if you analyse that work, and, passing by the beauty of the general principles which are there laid down, take the character of the persons concerned—that most of those persons were freebooters, slave-dealers, adulterous persons, whose characters were infected with every description of shame, crime, and moral incapacity; but inasmuch as all of them were persons having a claim on the justice of the tribunals of the country, their rights fell to be asserted as involving general principles, of which the public interest required the vindication. All that relates to the noble Lord's minute discoveries with respect to M. Pacifico's character, and the smallness of his claims, leave the great principle at issue untouched.

Now, with regard to the other claim, that of Mr. Finlay, there is one thing to be remembered, that the mode in which the claims were enforced was in no respect dissimilar from the mode in which claims put forth by other countries have been enforced. The novelty of these claims, therefore, was not in the manner in which they have been enforced, but in the great length of time allowed to elapse before they were settled. Some date as far back as 1836. The noble Lord has admitted Mr. Finlay to be—what he undoubtedly is—a very worthy and respectable man—not only a man of high character, but a man of singular cultivation of mind. But the noble Lord seems to think there is something to be made the subject of commentary, although the Government of Greece and the French Government had equally admitted Mr. Finlay's claim. The noble Lord seems to think that there is some room for remark, in consequence of Mr. Finlay having purchased a bit of ground and asked more than he gave for it, that ground being near the palace. Does not the noble Lord know respectable Englishmen who in this country have sold ground for a larger amount than that for which they purchased it? How many prudent Englishmen have bought property round the town of Liverpool, for example, and disposed of it to considerable advantage? With some sort of triumph the noble Lord read an admission on the part of Mr. Finlay, that he had referred his claim to arbitration. What will the noble Lord think, when I tell him that under the influence of the Government of Greece the arbiters were never appointed to meet; and if the noble Lord looks to what Vattel and other writers on the law of nations say, he will find that a denial by delay is as bad as a disallowance of justice altogether. They say that reprisals are not, in the first instance, to be had recourse to; but if there be a refusal, or what they declare to be sometimes worse than a refusal —intentional delay—reprisals are the justifiable and the proper course; and they point out an embargo as suited to the particular case.

We now come to the case of the officer at Salcina. "He was not in uniform," said the noble Lord; but whether injuries are inflicted on persons in uniform, or whether they are inflicted on persons out of uniform, these injuries require to be redressed. In this particular case carelessness was exhibited and insult offered to an officer of Her Majesty's Navy. And what was asked? Was it anything extraordinary that was asked? It was simply an apology; and yet that was for a long time refused. So in the case of the robbers, a Greek custom-house had been chosen as the spot on which to carry on a system of plunder directed against Ionian subjects. Why, some compensation was surely due to these Ionian subjects. But Sir E. Lyons states that his letter on that matter was never answered by the Greek Government. How then, could the noble Lord say the Greek Government had shown a disposition to meet the demands made on behalf of these persons who were plundered? So in all the other cases there was a systematic refusal of explanations; or if explanations were tendered, they were of a most unsatisfactory sort. With respect to the case of M. Pacifico, which I have always considered the gravest, though the noble Lord has dwelt so much more lightly upon it—the noble Lord seems to think we adopted M. Pacifico's views—that we at once adopted his claim, and positively, and arbitrarily, and peremptorily required the Greek Government to pay all that M. Pacifico demanded. I do assert, with reference to that opinion of the noble Lord, that from the beginning to the end of these transactions M. Pacifico's claim was no further adopted than as a claim for discussion; and if it were to be adopted for discussion, how could it be in any other way, or for any other amount, than in the way and at the amount M. Pacifico laid it at? We could not take upon us to reduce that, because the circumstances were not within our cognisance, and it was inquiry we called for. What we said, what Sir E. Lyons said to the Greek Government, was, that this must be made the subject of inquiry. In the very first letter on this subject of the noble Lord the Secretary of State for Foreign Affairs, he instructs Sir E. Lyons to obtain from M. Pacifico a detailed statement of his loss; and if the amount of the sum at which the claimant estimated his loss should appear just and reasonable, only then, Sir E. Lyons was to present it to the Greek Minister of Foreign Affairs. Sir E. Lyons had taken care to make his demand for compensation in general terms, which would prevent inconvenience if the Greek Government made a reasonable objection. Is that a demand?

Lord STANLEY: I have seen the letter stating that, though the noble Lord considered the claims just and reasonable, yet they were to be referred to in general terms.

The Marquess of LANSDOWNE: It was to be made the subject of that inquiry which might have been carried on by Sir E. Lyons, just as it might by any man who hears both sides; and that to which the British Government limited itself was to prosecute that demand to the amount which, after inquiry, should be found fair, just, and reasonable. I find that again and again stated in the course of the papers exchanged during the progress of the negotiations. It is evident, from the expressions used by Mr. Wyse and Sir William Parker having reference to compensation, that all they meant was, that there should be such satisfaction given as should be deemed reasonable after every inquiry. I shall not trouble your Lordships with citing the many instances in which this is to be especially remarked with reference to the amount of M. Pacifico's claim; but I will only cite the last, that on the 25th of March, where Lord Palmerston, in giving Mr. Wyse instructions, that with respect to the claim of M. Pacifico on the Greek Government to make good his demand on Portugal, it is said the claim can only be considered as equivalent to the amount he would have recovered from Portugal if he had not lost his documents which were to substantiate it; because that is the measure of his loss—so that if it be proved that M. Pacifico was entitled to only 1*s*. for the Portuguese claims, he would be entitled only to 1*s*. from the Greek Government; but the principle was fair. Whatever his documents would produce, that was all that was to be asked. I don't know on what authority the noble Lord said, with respect to M. Pacifico, that there was reason to believe he was identical with a person of the same name, who had been concerned in a dishonest transaction at Lisbon a great many years ago. But there is this to be said of M. Pacifico, that at a subsequent period he had been twice appointed consul by the Portuguese Government. I have too much respect for the Portuguese Government to believe that if they had thought him guilty of forgery and dishonesty, they would have selected him for that office. It is stated that they undertook to give M. Pacifico the consulship as a substitute for the sum he was entitled to recover from them. M. Pacifico found afterwards that the consulship was not attended with profit or advantage, and therefore very speedily recurred to the value of his claims. I wish to make this observation, that with regard to all claims for redress and compensation preferred by British subjects, residing abroad, against the Government of the country in which they reside, every one of the claims that involve any doubt as to the question of law, is referred, with all the documents belonging to each case, to the Queen's law advisers, and in no instance has a claim been made in which, after full and deliberate consideration of the papers, the Queen's advocate did not say the party had a right to obtain compensation. Such was the course pursued in the present case. It may be that an exaggerated view had been taken of the case—it may be that an utterly unjust and absurd demand might have been made; but there was the distinct concurrence of the law advisers of the Crown in the grounds on which the demand was made. But I have the satisfaction of thinking that, with respect to the Powers to which the noble Lord referred, both Russia and France, there is no disposition to dispute the validity of our claims in principle, with the one exception of that which related to the papers in M. Pacifico's case; that Russia more particularly has emphatically said that we had claims, and it was not to be expected that we should put up without compensation if they were not discharged. My Lords, I have endeavoured to show that the claims we felt it our duty to make on the Greek Government have neither been doubtful in point of justice, nor exaggerated in amount, as they are described in the resolution of the noble Lord. The noble Lord further asserts that these claims have been enforced, hereby insinuating that the British Government have exacted the whole amount in the first instance claimed, and exacted it by the application of force, though it is notorious that not one has been enforced to its full extent, and that they have greatly mitigated the amount of those claims in all cases where it was possible to make a reduction. Your Lordships are aware that the terms ultimately acceded to by the Greek Government on the ultimatum of our Minister at Athens, were more favourable than those awarded to it by the Convention of London, and that our demands have not been of that exorbitancy charged by the noble Lord, or, if exaggerated, that they have been reduced to a considerable extent; in the case of M. Pacifico, the sum of 120,000 drachmas being concluded upon, besides the value of the losses sustained by him in respect of his Portuguese claims. With regard to the effect which this transaction has had upon our relations with other Powers, I do not undervalue the observations of the noble Lord, or the opinion which the European Powers may entertain as to our proceedings in any case, whether the claim be preferred by way of legal process, or by force, as we were in this instance compelled to act. All that Russia has complained of is, that these claims have been, in her opinion, too suddenly enforced, and without notice given to other Powers. Now, my Lords, I have shown to you that in all those cases of claims enforced, no notice has been given to other Powers; and I do not know what there is in the circumstances, the condition, or the relative strength of England to the Powers of the world, that whereas other Powers may proceed, on their own sense of injustice done to them, to require justice to be rendered, England alone, after years of delay, after treating the Greek State in a manner far indeed from the injustice peculiar to that State, and which the noble Lord has described, nay, with a degree of indulgence which she would not have shown to any other State—that England might not, I say, when she had a force in the Mediterranean capable of immediately exacting satisfaction, proceed to require that satisfaction, for all demands, as far as they turned out to be consistent with justice. I do not know whether the noble Lord included in his catalogue of complaints the employment of a large force. I think there were excellent reasons for employing a large force, though the circumstance of such a force having been employed has attracted a great deal more attention, and perhaps excited more suspicion, than the presence of a smaller force would have done. Still the fact of a large force being present in those seas was a temptation that was very great, not merely for the purpose of carrying our object into effect, but for acting on the position of the Greek Government; for if the Greek Government was compelled to yield, it was much more honourable to yield to Sir William Parker in his three-deckers, with a number of other ships attending him, than it would have been to a frigate and a sloop of war. I think, therefore, the employment of such a force was not only justifiable, but well-judged for its purpose; and, as your Lordships have seen, it did not fail to produce the wished-for effect. The noble Lord has expressed his apprehension that these transactions have interrupted our amicable relations with the Russian Government. With the respect which I entertain for that Government, with the unfeigned desire I have that we should maintain, on all subjects, a good understanding with that great Power, I deeply regret that any difference of opinion—for it never went further—should have indicated itself with reference to this subject. But I am happy to be able emphatically to deny that the transactions in question have disturbed the amity which ought to, and does, exist between this country and Russia. I affirm the contrary. I can state, that, upon many subjects, the relations of amity between Russia and this conntry never subsisted in greater force that at this moment. I declare that, with respect to some of the most important questions which now agitate Europe, and more especially affect the interests of the north of Europe, the community of feeling, sentiment, and action between Russia and this country, is as perfect as it ever was at any period of our history. The most intimate communications with respect to everything that occurs affecting the Powers of the North, and more particularly affecting them at this moment, are constantly taking place between the Russian and the British Government—we availing ourselves of the suggestions of Russia, and Russia expressing her confidence and reliance in our views, and advising other Powers to follow the course and adopt the sentiments suggested, by us. I see nothing, I expect nothing, which is likely in the least degree to prevent the cloud from passing away which has for a moment, and only for a moment, come over our relations with Russia, I now, my Lords, come to the case of France, and here, adopting the declaration of the noble Lord, and repeating it in still stronger terms, I think myself bound to say nothing and to do nothing that can in the least degree prevent that cloud from passing away which has for a moment, and but a moment, and that arising from purely accidental circumstances, obscured the relations of cordiality which subsisted between that country and this. My Lords, when France offered her mediation, and when her good offices were accepted, they were accepted in the perfect conviction that they were frankly and sincerely tendered, with the view of doing justice to our demands, and of obtaining justice without infraction of the peace of the world. Such were the views, as we understood them, with which M. Gros went to Greece. But after a great variety of notes and projects, much exceeding the numbers which it might have been hoped would have been necessary on such a subject, it was found that no result whatever ensued; and then M. Drouyn de Lhuys, the French Ambassador at this Court, was authorised by his Government to negotiate with my noble Friend a convention, the conclusion of which was, from the short time it occupied, a sufficient pledge of the spirit of sincerity in which the negotiation was undertaken. Most unfortunate it was that that convention had not reached Athens before M. Gros thought it necessary to withdraw from the character of a negotiator, and left it to Mr. Wyse, who waited for a day or two in the hope, though a vain hope, held out to him by M. Gros, that he might have something else to propose, to follow out his own instructions, and renew the measures of reprisal to which he found himself compelled to resort. I say found it necessary, because nothing can be more clear to those who read the papers, than that the understanding that prevailed, not at Athens, but here, between M. Drouyn de Lhuys and Lord Palmerston, and General la Hitte was, that if differences arose between M. Gros and Mr. Wyse touching upon any question of principle, reprisals should be recommenced; but if it were merely one of detail and degree, reference was to be made to the Government at home. When Mr. Wyse refused to grant any further delay to the Greek Government (and your Lordships will observe that he has thought it necessary to vindicate his conduct on this point, because an impression to the contrary has somehow been created), he had no knowledge of the convention having been entered into at London. My Lords, it was physically impossible that we should have had such knowledge; that would have materially altered, as he himself states, the position in which he stood, because he then would have had authentic grounds to stand upon. The French Minister for Foreign Affairs, I have the satisfaction of seeing, fairly admits that Mr. Wyse could have had no knowledge of the bases of any such convention having been concluded. But the noble Lord says, when a convention was concluded in London, why not at once have adopted that instead of the agreement made at Athens? My Lords, I have no hesitation in saying that, abstractedly from the actual circumstances, such a course would have been most fitting and desirable; but, unfortunately, the treaty of Athens had been partially executed, and, besides, it contained a particular clause, having reference to circumstances which were not known when the convention was concluded at London—I mean certain presumed claims of the Greek Government. If that convention had been altogether abrogated, without communication, and the other adopted, it might have been supposed that we were admitting the expediency and justice of those most unfounded claims, to which, under no circumstances, would it have been possible for this country to assent. A desire is, I believe, unfeignedly felt on both sides to come back to the terms of the treaty of London, as far as they can still be made the basis of a treaty. Communications upon this point have been taking place during the last two or three weeks between the two Governments, which are not yet brought to a conclusion, but I have satisfaction in stating that they have come so near a conclusion, that not many days, perhaps I may say not many hours, will probably elapse before their completion takes place. I fully concur in the hope expressed by the noble Lord, that a good understanding between this country and France will be completely restored. Whatever may be the future character of the French Government there is no character it may assume in which it will not be the interest of this country to maintain friendly relations with it. I know of nothing—I foresee nothing—I trust there is nothing in this night's discussion, which can interpose an obstacle to the perfect resumption of those friendly relations with France which are so essential to the peace of the world. I hope and trust, also, that the delay which has taken place in the settlement of this question will not prove as injurious as he supposes to the interests of Greece. I can assure the noble Lord that the statements which have reached him of the pressure on Greek commerce are as much exaggerated as Don Pacifico's claims. The Government is in possession of documents relating to this subject, which I will take an opportunity of producing, because I attach great importance to showing the world that, so far from its being our intention to pursue a course which would press onerously on the Greek people and their commerce, it was for the purpose of avoiding that pressure that we departed from the practice usually followed on such occasions, and, in the first instance, captured only vessels of war. It was only when the vessels of war were found not to amount in value to the sum required, that Greek merchant vessels were detained. I have good authority for believing that the people and commerce of Greece peculiarly appreciate the spirit in which we have acted towards them. When the noble Lord contends that the settlement of our claims should have been left to the adjudication of the Greek courts of law, it is necessary I should remind the House that all the Greek judges may be dismissed at the pleasure of the Crown, and not unfrequently the pleasure of the Crown was exercised in that way. I do, therefore, consider this one of those instances in which the Government of this country was justified in having recourse to the proceedings by which they attempted to redress the wrongs done to British subjects; and I believe with confidence that none of those demands, disputed in amount, but admitted in principle, would have been accredited, if Her Majesty's Government had not taken the determination of sending Sir William Parker and a fleet to support them. I, my Lords, call on the House to reflect whether the adoption of a resolution in the terms proposed will not limit the power of the Government to redress the grievances of British subjects at a future time—whether such a resolution passed by this House, unaccompanied and unfollowed though it may be by the resolution of any other assembly in Great Britain, may not cripple the power, resources, and energy of this country, acting through its representatives in foreign States. Believing myself that such would be the result of the adoption of the noble Baron's resolution, I call upon your Lordships to reject the Motion.

The EARL of ABERDEEN: My Lords, at the outset of the observations which I shall venture to address to the House upon the question under consideration, I cannot help remarking that there are some subjects no clear, so perfectly level to every comprehension, and which come home so directly to the feeling and common sense of mankind, as in a great measure to dispense with the necessity for elaborate demonstration or argument. It is all very well for the noble Marquess to assume a tone of confidence on this question, and for the organs and partisans of the Government to labour in their defence; but I maintain that when we know that a British fleet of the magnitude described by the noble Baron—being equal to that with which Nelson won the victory of the Nile—appears in the waters of Greece, and, after receiving the civilities of the sovereign of the country, the admiral summons the Greek Minister, and, in conjunction with our representative, presents to him a list of demands which are to be acceded to in twenty-four hours, and that when this unfortunate functionary observes that he has been in office only three weeks, and requires time to enable him to inquire into the justice of the claims, he is told that the question is not whether the claims are just or unjust, but whether they are to be discharged in twenty-four hours; when we know these facts, it appears to me, that the character of the transaction is sufficiently described; and I venture to say, that the proceedings of Her Majesty's Government in the waters of Greece have throughout the whole of Europe, from one end of it to the other, called forth a cry of indignation, whilst, in England, it is regarded by every impartial and reflecting man with regret and disapprobation. When this transaction occurred, it appeared to the world in general utterly unintelligible. Nobody could believe that the reasons assigned for the proceeding were the true and genuine motives by which it was prompted. I am not in the least surprised that such incredulity should prevail. In every part of Europe it was supposed that some deep stroke of policy was concealed under this apparent attack on Greece. No one could believe that the satisfaction of the extraordinary claims set up by us was the end and object of our great armament. Unfortunately, we who know little more of the reckless mode in which our foreign affairs are conducted, will have less difficulty, perhaps, in believing the motives assigned, and in seeing in it no policy more profound than the exercise of certain feelings of hostility and the display of overwhelming force. But, my Lords, I feel that even we might have suspected that other consequences might ensue from those operations which took place; for I am sure that when a demonstration of this kind was made—a demonstration of hostility of this description—many persons in Athens and out of Athens fully believed that the destruction of the Greek Government was intended by it. I know myself, that in urging claims against the Greek Government I have been over and over again assured by that party which is usually called the "English party" in Greece, that such demonstrations would inevitably overthrow the Ministry and possibly the King himself. My Lords, I think we may observe the animus, we may observe the spirit, which, in a great measure permitted this mode of proceeding; and I observe in the papers an illustration of it, to which I will refer, because I think it explains the feelings which existed on the part of the Government, and that it is also characteristic of that double dealing which I am sorry to say has prevailed of late in the foreign policy and conduct of this country. In the autumn of last year there was a revolt in the island of Cephalonia. After its suppression Sir H. Ward, in a speech addressed to his Senate, referred to the share which he said the Greek Government had in the stirring up of the disturbances in that country. On the 9th of October he made a speech to his Senate, in which he said the Greek Government were privy to the troubles that had taken place in Cephalonia. The Greek Minister lost no time in remonstrating, in protesting against the truth of any such accusation; and Sir H. Ward, in the next month—the November following—expressed also in a public address his great regret that his speech should have been so much misunderstood, for that he never intended to insinuate any such imputations. [The Marquess of Lansdowne: Hear, hear!] The noble Lord cheers that, and I was very glad to see such was the case; but what does the Secretary of State say? M. Drouyn de Lhuys, in giving an account of his conversation with the Secretary of State, in which he made his remarks on our proceedings in Greece said, "that the Secretary of State replied that the English Government had other complaints against the Hellenic Government; that, for example, in spite of the contrary assurances which policy had determined Sir H. Wood to give at Corfu, it was very certain that the hand of the Greek Cabinet had been found in the agitation which had recently broken out among the people of the Ionian Islands." Now, which of these two functionaries speaks the truth I know not; but this I know, that their difference is not creditable to the character of this country.

My Lords, my noble Friend has so fully entered into all the claims, one after another, which have been put forward by Her Majesty's Ministers—he has exposed so completely the doubtful character of some, and the exaggerated nature of others, that it is not possible for me, even were it desired, to lay them more clearly before your Lordships; but I would make two or three observations upon one part of this subject; and, first, I would say that, as the noble Marquess has truly stated, the claims of Mr. Finlay arose before the constitution of Greece was established, and, therefore, when he was living under an arbitrary Government. Mr. Finlay, when I was in office, made his claims to me; but what did he do then? He demanded the good offices of Her Majesty's Government. No doubt he had made a claim for compensation, and a claim to the good offices of Her Majesty's Government; but he never made a claim for reprisals against the Greek Government, and he would have had no ground for any such claim, had he made it. The Greek Government never denied he had an equitable claim for compensation—it was a question always of amount. Many persons were in his situation. Among others was one of the most respectable men, who had lived many years in Athens, Mr. Hill, the American missionary. That gentleman was possessed of half the very field for which Mr. Finlay made his claim. Mr. Hill was settled with, was satisfied, and contented. Mr. Finlay continued his claim, and at last, his claim never having been refused, never having been denied by the Greek Government, but the difficulty always having been the amount, the matter was, as my noble Friend stated, referred to arbitration, although the fact of that having been done was not communicated to this House; and your Lordships are called upon to believe that this claim of Mr. Finlay was not disposed of, and had not been actually adjusted at the time Mr. Wyse made his demand on the Greek Government. And so as to the claim of M. Pacifico. So far from denying he had a just claim in equity for losses he had sustained, undoubtedly he had a claim; but his course was different from that of Mr. Finlay. He had no right to apply to the representative of his Court to obtain compensation for them until he had endeavoured to obtain such relief by the ordinary mode of proceeding according to the laws of the country. Now, that I take to be unquestionably the case here. But this is a case in which a demand was made, and in which an order for reprisals was given; but an order for reprisals is a sort of declaration of war. Now, in order to justify the issuing of reprisals, you must have exhausted every means afforded to you by the laws and the tribunals of the country. A short extract from a very high authority will confirm this. Vattel says, with reference to persons living in a foreign country, that—

> "The prince, therefore, ought not to interfere in the causes of his subjects in foreign countries, and to grant them his protection, excepting in cases where justice is refused, or palpable and evident injustice done, or rules and forms openly violated, or, finally, an odious distinction made to the prejudice of his subjects, or of foreigners in general. The British Court established this maxim with great strength of evidence on occasion of the Prussian vessels seized and declared lawful prizes during the late war."

Now here no justice was refused, no justice was denied, no rules or forms were openly violated, and no odious distinction was made on the part of the Greek Government against M. Pacifico. The matter to which Vattel refers in this extract is celebrated as *The Silesian Loan.* That is a production which has settled the law upon the subject, I believe, to the satisfaction of all Europe. It has been referred to, it has been the standard authority upon all matters connected with such subjects from that day to this. It was drawn up, as is known, by Lord Mansfield, although united with the law authorities of the time, including Sir Dudley Ryder, the Judge of the Prerogative Court, and the King's Advocate of that day. The noble and learned Lord now sitting on the Woolsack, the Lord Chief Justice, in his life of Lord Mansfield, has observed and has recorded his opinion of that production to which I have thus referred. He says, having been often employed to draw papers of a similar nature, he had never perused it but with mixed sensations of admiration and despair. Therefore, this may be taken to be wisdom and truth itself. Now, let the House hear what this production, so described, says—

> "The law of nations, founded upon justice, equity, convenience, and the reason of the thing, and confirmed by long usage, does not allow of reprisals except in case of violent injuries directed or supported by the State, or justice absolutely denied *in re minime dubia* by all the tribunals, and afterwards by the prince. Where the judges are left free, and give sentence according to their conscience, though it should be erroneous, that would be no ground for reprisals. Upon doubtful questions different men think and judge differently; and all a foreigner can desire is, that justice should be impartially administered to him, as it is to the subjects of that prince in whose courts the matter is tried."

Does not this appear to have been written precisely to meet a case like the present? Had M. Pacifico tried all the courts? Had the prince and all the tribunals refused him justice? He immediately repaired to the Minister of his Court, and made that a diplomatic question which ought entirely to have been a judicial question; and the Greek Minister, over and over again—I will not trouble your Lordships by reading the passages—lays down maxims as sound as those of Lord Mansfield himself. What did he say? He said, "Let M. Pacifico come into court and prove his loss—let him furnish the Government with the means of repairing his loss; and, although the Greek Government may not allow the enormous and exaggerated amount he claims, he will undoubtedly receive all that is due." Therefore I think the case of M. Pacifico is not one in which to apply to the Government to issue reprisals, and induce such consequences as those which have unfortunately taken place. But even if all these claims were as clear and certain as many of them are doubtful and equivocal, still I would say your mode of proceeding was most rash, impolitic, and unjustifiable. The noble Marquess has spent a great deal of time in showing that all Powers redressed their grievances without applying to, or asking the consent of, any other State; and that the point at issue being one in which Greece and England were alone concerned, there was no necessity for acting in combination with the other Powers of Europe. No doubt, under ordinary circumstances, we should never think of asking the permission or consent of France or Russia for any injury we might think it our duty to redress; and I do not deny there may be injuries which call for the issue of reprisals, or even a declaration of war itself. Of that, of course, every country must itself be the judge. But your Lordships must recollect that Greece was differently situated with respect to France and Russia from other countries, because we, the three Powers, had united to make this very State—we had founded that State—we had guaranteed its territory, and a blow struck in this manner by one of these Powers, might, in its effect, be a blow struck at her very existence as well as her independence. Let me put a case. Suppose we had a quarrel with Belgium—a very improbable supposition, but still, with the ingenuity of Her Majesty's Government, not a case beyond the bounds of possibility, suppose, I say, we had a quarrel with Belgium—the integrity and independence of Belgium are guaranteed by the five great Powers of Europe—in the event of such a dispute as that of M. Pacifico arising with Belgium—would you send a squadron into the Scheldt and blockade Antwerp without communication with the other great Powers of Europe? You know very well you would not; but Greece was a *corpus vile* upon which you might try your experiments, without communicating with the other Powers, and you would not have ventured to do anything of the same sort in a country similarly situated as Belgium is. When I view this question in all its bearings, I confess I find the greatest difficulty in bringing myself to believe that it is possible that such a course as has been adopted with reference to it by Her Majesty's Government can have been pursued without previous communication with France and Russia. The thing appears to me so monstrous as to be almost incredible, and yet so it is. I could not believe such was the case, until I found it stated in the papers in the first letter of the French Minister to his Government. Great sensation having been created in France by the whole affair, M. Drouyn de Lhuys was despatched to England without delay to get an explanation. Accordingly, on the very first day after his arrival in London—that is to say, on the 5th of February—he wrote to his Government a letter, in which he stated—

> "I laid before Lord Palmerston a very animated picture of the bad impression which the news from Athens had produced upon the President, the Council, the diplomatic body, the whole Assembly, and upon public opinion. I dwelt upon all that was offensive for us in these sudden and violent resolutions taken without our knowledge against an allied nation, all that was extreme in the means of execution, all that was strange and contradictory in the new situation which these events were about to create in the East. . . . Lord Palmerston, diminishing the importance of what had passed at Athens, replied that this affair appeared to him so simple and of so little consequence, that he had not thought it necessary to speak to the French Government about it."

It might suit the purpose of the noble Lord to treat the question in this light; but certainly I do not remember to have ever heard of a case which was less deserving than this of being characterised as trivial, simple, and unimportant. The original question might be very simple, but it would be difficult to exaggerate the importance of the results which may flow from the course that has been pursued with reference to it. It is all very well to say that the question is one between England and Greece, that France and Russia have nothing to do with it, and that therefore there was no necessity for consulting them or communicating with them on the subject; but, even supposing this to be true with respect to the original point in dispute—the mere claim for pecuniary compensation—surely it cannot be denied that the matter assumed a very different aspect indeed when it was found to involve a question of territory. It was by the joint co-operation of England, France, and Russia, that Greece was erected into a free State, and that her territory was definitely prescribed; and when a question arose which affected the integrity of that territory, surely it could not be doubted that England was debarred, by every consideration of common justice and common courtesy, from taking a step with reference to it, without previously communicating with those Powers which were co-guarantees with herself for preserving intact the integrity of the territory of Greece. It was not very clear to whom they belonged. No doubt, in the absence of all distinct evidence of particular ownership, it appeared rational enough to conclude with the Greek Government that the desert islands nearest to the mainland should belong to Greece, and that the others nearest the Ionian Islands should appertain to the Ionian Islands. But the question had not been decided with such preciseness as to preclude controversy. It should be remembered, moreover, that no legal right or ownership could be put forward on behalf of the Ionian Islands beyond that which they professed to derive from an Act of the Ionian Legislative Assembly bearing date so far back as January, 1804. He was in Corfu at that time, and was present at the discussion of the Legislative Assembly, though he did not profess to remember a single word of what they decided or debated upon. Of this, however, he had a distinct recollection, that no Turkish authority (and the Turks, be it remembered, were at that time the owners of Greece) was present at the debate; so that the decision, even supposing it valid in all other respects, might perhaps be impugned as *ex parte*. But the real question turned upon the extent of the Venetian territory before the French Revolution, for the decision of the Legislative Assembly did not profess to have any effect except with regard to such regions as had belonged to Venice. It was only owing to the forbearance, or doubt rather, of Mr. Wyse, who thought the note of the Greek Minister had more truth and justice in it than appears to be thought here, that he, of his own mere motion, without instructions, suspended the execution of the orders that had been given; for in the early stages of this transaction I recollect the noble Marquess, with great apparent triumph, said, that the demand for these islands formed no part of the list given in by Mr. Wyse; but the noble Marquess did not, with his usual candour, say that at the very moment the islands, if the instructions had been acted upon, would have been actually in our possession, and therefore that was a very good reason for their forming no part of the claims sent in by Mr. Wyse. But the noble Marquess took no notice of that part of my noble Friend's speech—he took no notice of that part of the question which related to the situation in which these islands stood; but I look upon that as a very important part of this question; because it is that upon which you are obliged to abandon the ground you have asserted, and you are obliged to settle with other Powers after you have avowed your determination to take the whole settlement of this question into your hands. I do not deny it is a question that admits of doubt. I admit it does; but at the same time when I look to that admirable specimen of peremptory style in which the Secretary of State, in a very inadequate answer to the Greek note, says, it is indisputably proved they belong to the Ionian Islands, I must say, I think Russia and France would require some better arguments than those. I utterly deny that the treaty between Russia and the Porte in 1800, and still less the treaty of Paris in 1815, recognise in the slightest degree the possession of these islands by the Ionian States. Not the least; they only refer to such territory as belonged to Venice, raising the question —as I have said—what did belong to Venice. This is a question, I admit, doubtful, and very proper to be discussed; but discussed with those Powers which have guaranteed the integrity of the territory of Greece. In the whole of this matter I think that what has pained the feelings of all persons in this country most has been the part which our naval force has been obliged to play. It is not only in the instance of Greece, but I must say that since the departure of that fleet from England, there has been much in which it has been employed, little conducive to the honour and the credit of this country. First, in the Tagus. At Lisbon what did it do? It excited the complaints and suspicions of the Government, at the same time that the opposition party loudly remonstrated against the proceeding. It was next seen at Naples, where it controlled, threatened, and thwarted the operations of the King: you encouraged, but then you deserted, abandoned, and betrayed the Sicilian insurgents, offending both parties. Its next appearance was at the Ionian Islands; but the fact of its taking no part in suppressing the *emeute* was probably to be accounted for by the circumstance that that affair was suppressed before its arrival. I believe the only service attributed to that fleet in the case of the Ionian Islands, was the furnishing Sir H. Ward with implements of punishment for the rebels. I do not mean to blame Sir H. Ward; though his measures were very severe, it is possible he may have been justified. It is possible that the mild government of a military Conservative might be advantageously succeeded by the stern rule of a Whig civilian. But still I think it rather an odd requisition to make from the admiral's ship — a supply of "cats" to flog the rebels. That is all that I find of the performance of the fleet at the Ionian Islands. Then comes this last brilliant affair in the waters of Salamis. I may be told that it has also appeared in the Dardanelles; that it did wonders in the Dardanelles; that it brought the Emperor of Russia to his senses, and did wonders for the Polish refugees. I believe your fleet entered the Dardanelles on the 5th of November, and I think in the middle of October the Emperor, in answer to an application from the Sultan, had, without the interference of any foreign Power, acquiesced in the interpretation given by the Sultan of the treaty under which the Emperor had claimed the delivery of the refugees. Therefore their condition was neither better nor worse for it. But the fact was that you were obliged to apologise to the Emperor for entering the Dardanelles at all; you disavowed your admiral; and you promised to do so no more. You went further; you brought yourselves to declare that he had been driven in by stress of weather. Now, I say that is a deception; that is the thing which is not.

My Lords, I have very little to say upon the latter part of the subject on which my noble Friend has addressed you. I really do not know exactly in what state the transaction with France is at this moment. It is astonishing to me that a negotiation should have been going on for three weeks upon such a subject. I can only say, it appeared to me that the proposal of the French Government was perfectly simple, and ought to have been accepted at once. It seems to me that you have gone on haggling, like your own Pacifico, when you might have settled the whole matter in a single hour. You had agreed to a convention in London, and you had stipulated that, if any other agreement had taken place at Athens, that agreement should stand, and the London convention fall; but it turned out that no agreement had taken place at Athens, but a forced and compulsory settlement had been come to. The convention of London, therefore, should be taken. At all events, you knew the undoubted good faith of the French Government, their desire to be of service to you; for really it is marvellous, if you look to the conduct of the French Government throughout, the anxious wish that they have exhibited to stretch even justice in your favour; in the instructions of General Lahitte to M. Gros, he tells him what, interpreted in plain English, amounts to this, "Be as unjust as is decent, but there are limits beyond which you cannot possibly go;" but he says, "these claims, whether just or unjust, are claims of a great nation, which must not be humiliated, and which we wish to serve;" and it is quite clear that M. Gros acted upon those instructions, and did his best to fulfil in the spirit of his Government the mission with which he was entrusted. But you are not to suppose that M. Drouyn de Lhuys, who seems to be almost the only French agent with whom we have not been dissatisfied, did not feel very strongly the nature of the engagement into which they had entered. Far from it; and I think that the misunderstanding originated in this: When France offered mediation, of course it was impossible for us, in the odious position in which we stood in the face of the world, to refuse; but if we had wished to make it fail, I rather think the course we took seems well calculated to produce such a result. It was clearly in the mind of the Secretary of State, that we were to employ M. Gros to execute our demands. In diplomatic language we said, it will give us greater satisfaction to receive justice by means of French intervention rather than by our force; that meant that he was to be our sheriff's officer, to levy our debt and do our bidding. But that was not the understanding of M. Gros or of the French Government, because the Secretary of State had said, "You will do something like what was the case in your mediation between us and Naples in the sulphur question, and ours in the case of Mexico." Now, the French diplomatists knew well what that was, and that both they and we exercised a great discretion in that mediation, and they naturally took these terms, describing the functions of M. Gros to mean a *bonâ fide* mediation, such as was exercised in those two cases. In both those cases the mediation finally became an arbitration, as all mediations must if the parties have any common sense, because the mediating Power is sure to propose, if he has any fairness or justice in him, that which is preferable to the continuation of the quarrel. That was the case with us when the French settled our dispute with Naples, by arbitration; and I myself, in the case between France and Mexico, exercised the part of mediator at the conclusion of that dispute, which had not been finally settled when I came into office. The French naturally thought they were to exercise similar powers; but that was not your intention, and hence arose the misunderstanding, M. Gros struggling to exercise some discretion, and to act in some degree according to his sense of what was just, and we binding him to what we called "the principle" of the claim. But we ought to have said—"Take the two agreements; make out of them what you think just; we shall be satisfied with what you think just." The complaint they made was, that you had committed a breach of engagement with them. They recalled their Ambassador in terms unprecedented not to be followed by the most serious consequences.

Yet you go on haggling for three weeks with the danger of making that more difficult which at the first moment was, I believe, easy.

I cannot think that our relations with Russia are as friendly as they were. It is perhaps the freedom of friendship which they used in writing that despatch which has been quoted; but I should humbly think the person who dictated that despatch must have entertained feelings not altogether of the most friendly character. Though I hope this will pass away, and leave no permanent bad consequences, yet it is undoubted that it will not leave us where it found us. The feeling between the two countries may be such as to get over any soreness which may remain behind; but all these transactions cannot have taken place without more or less injuring that good understanding which previously existed. I must say, in looking to the state of our relations with the whole of Europe, I cannot see great cause for satisfaction. We may become used to anything; but our relations with the great Powers of Europe are unprecedented, and cannot continue long without danger. When I look back but four short years, and recollect that this country was then honoured, loved, and respected by every State in Europe, with an intimate, a cordial good understanding with France, and without the slightest diminution of our intimacy and friendship with all other Powers, I confess I do not look with any very great satisfaction even at this new species of friendship which the noble Lord has discovered to exist between us and other countries. You cannot wonder at the feeling existing towards this country. We have deeply injured Austria. It is not only that abominable transaction to which I have more than once referred in this House, in which we exhibited, most falsely exhibited, to Europe and to Italy the policy of Austria with respect to Italy, and made it believed that Austria entertained views of conquest of Sardinia—an offence of the most crying description—but we have been the main cause of a great part of the misfortunes and difficulties of Austria. You might have stopped the Piedmontese war; not by the advice which you gave, and for which you took credit, in telling the King of Sardinia he had better not go to war with Austria, because he had a good chance of being beaten; but if you had told him that he would have been guilty of an act of perfidy—that he would have broken a solemn engagement with his benefactor and creator; if you had told him that he would have broken a solemn engagement entered into with Great Britain, and that if he persevered you would protest in the face of Europe, and recall your Minister from his Court—if you had done this, you would have had no Russians in Hungary; and I look upon the entry of the Russians into Hungary as a great misfortune, not only to Austria, but to Europe, for if the Sardinian war had not occurred, Austria by herelf would have been able to put down the Hungarian insurrection. Unfortunately, it is a melancholy characteristic of human nature, that we are apt to hate those whom we have much injured. I see symptoms of hate on the part of this country. We had no cause of collision, and it required all the fertility of invention on the part of Her Majesty's Govenrnment to court a quarrel with Austria. But, after all that has passed, I cannot persuade myself that it can long continue. And it is so far satisfactory, that with all the ill-will existing towards us throughout Europe—for I have named two or three great Powers, but I might go through the whole list, or very nearly so, with one or two exceptions—the people of this country are not the object of suspicion or dislike to these nations. They separate the country from the Government; all their complaints and all their sufferings are attributed to the Government alone, and they do justice to the private feeling of the people of England. I can only say that, looking to the Motion of my noble Friend, and recollecting the manner in which he has pressed every part of the subject upon you, I doubt much if any man in this House or out of it, can lay his hand upon his heart, and deny that every word of it is strictly and literally just and true.

The EARL of **CARDIGAN**: My Lords, in rising to address a few observations to your Lordships upon the important subject under your consideration, I beg to assure you that when I rose at an early period of the night, I did not do so for the purpose of presuming to reply to the noble Marquess, the leader of Her Majesty's Government in this House; and my sole object now is, to explain to your Lordships the grounds upon which I intend to give my vote this evening, for which purpose I shall trespass upon your Lordships' attention for a very short time. My Lords, although I am well aware that the foreign policy of this country ought not to be lightly or unnecessarily discussed in either House of Parliament, yet, my Lords, I do feel that we are now placed in that position of danger with regard to our relations with foreign Powers, that I cannot but think, that it is justifiable for your Lordships collectively, or any of your Lordships individually, to express your sentiments upon the present state of affairs. My Lords, I shall not for the moment further advert to the transactions which have recently occurred in Greece, than to say, that I do not think that either the claims or complaints we had against the Government of that country were of sufficient magnitude and importance to justify the risk which you have just incurred of bringing on a general war in Europe; for although your Lordships may probably consider yourselves warranted in congratulating yourselves and the country at large in having for the present escaped the impending danger; yet, my Lords, there are none of your Lordships who are ignorant of the circumstance, that scarcely a fortnight since the French Ambassador was suddenly recalled from this country, in a manner which is the usual prelude to a declaration of war; and none of your Lordships are unaware of the exulting cheers with which the announcement of that circumstance was received by a large majority of the National Assembly of that Republic, supposed up to that moment to be our faithful ally. My Lords, the state of our relations with Russia have been recently explained to your Lordships, and to the world at large, in a letter not long since addressed by Count Nesselrode, to the Foreign Department of this country; so that, my Lords, it appears, by this public declaration on the one hand, and this public official letter on the other, that we have, with the most extraordinary ingenuity, succeeded in arraying against us, if not in open hostilities, yet with the most hostile feelings, two of the most powerful nations of Europe, directly opposed to each other, in all their national and political institutions, those of the one being founded upon republican and democratic principles, those of the other upon arbitrary and despotic government. My Lords, I must say, I consider the whole course of the foreign policy of Her Majesty's Government, when viewed in connexion with the measures they adopt upon other points, as one of the most extraordinary anomalies, and one of the most extraordinary inconsistencies ever heard of. My Lords, we have in this country a Manchester school of reformers, with a very influential and talented leader at their head—to whose advice, and to whose dictates, Her Majesty's Government often pay the greatest attention. My Lords, you are annually cutting and paring down your naval and your military establishments: each succeeding year sees a reduction in your Army, your Navy, or your marines; so that, my Lords, you have not a sufficient force left to defend even your own shores against any violent attack or aggression, on the part of any powerful foreign nation; and yet during the whole of this time you are unceasingly quarelling with every other nation in Europe.

No doubt, my Lords, the resources of this country are such, and the gallantry of its people is such, that this country would, as it has heretofore done, make a gallant stand against foreign Powers allied against it in any case where the national honour or the permanent interests and welfare of the country were concerned. But I ask, my Lords, whether the national honour or the permanent interests of the country rendered it requisite that we, forgetful of the circumstances under which we were ourselves placed—forgetful, my Lords, of the insurrection which recently occurred in Ireland—forgetful of the summary manner in which we put down with the strong arm of the sword in our distant Eastern possessions the slightest opposition to our authority, and in so doing added fresh kingdoms to those our distant possessions—unmindful also of the manner in which we put down in other parts of our possessions—I speak of the Ionian Islands and Ceylon—the insurrections which there occurred—in doing which neither priest nor peasant were allowed to escape from summary military trial, and consequent speedy and summary execution: I ask, my Lords, whether, forgetting all these circumstances under which we ourselves were placed, it was either wise or prudent, or requisite for the national honour or the national interests, that we should afford indirectly, if not directly, encouragement to the Sicilians, by the presence of our fleet, and the language held by our resident Minister in that country, in open revolt against that country, to which they as lawfully belonged as nine-tenths of the possessions of this country, in different parts of the world, belong to the dominion of this country. Was it wise or was it prudent to estrange from us the friendly feelings of one of our oldest allies the kingdom of Naples, although perhaps not one of the most powerful nations of Europe? I ask, my Lords, whether it was requisite for the honour and permanent interests of the country that we should have given every encouragement to the Sardinians in their hostile and aggressive proceedings against Austria; and I ask whether it was wise or prudent to alienate from us the friendly feelings of one of the oldest and best allies this country ever had—I speak of the Empire of Austria—by the manner in which we thought proper to interfere in the internal affairs of that nation, and by the offensive advice which we thought proper to obtrude upon their Government? And, my Lords, although the dictates of good feeling and of mercy might have induced Her Majesty's Government to use their best influence to save from unnecessary severity those unfortunate refugees who had escaped from the Hungarian rebellion —I ask whether, in the present state of this country, it was either wise or prudent to send a British fleet in a hostile and menacing manner to the confines of Russia, and afterwards even to have permitted that fleet to anchor within the precincts of the Dardanelles in direct breach of existing treaties? In making this statement to your Lordships, I omitted to refer to the original, but most serious difference with the Spanish nation, or to allude to the undue interference which we are generally believed to have exercised with the affairs of the Italian States previous to the general disorganisation of those States. So that, my Lords, adding the case of Spain to others which I have quoted, I have conducted your Lordships from the capital of Spain over the whole face of Europe, in narrating to you these bickerings, these quarrellings, and these undue interferences with the affairs of other nations. And now, my Lords, I will ask your Lordships, whether it would not have been much wiser and more prudent to have allowed the fleet to return from its unlawful anchorage within the Dardanelles, to have taken its homeward-bound course direct to its usual station in the neighbourhood of Malta, without permitting it to deviate from its course, for the purpose of making a violent and a hostile attack upon a small and insignificant kingdom, on account of claims which it is evident, up to that time, had not been very clearly defined? I ask whether it would not have been much more prudent to obtain redress for those claims and those complaints with the concurrence and by the assistance of the Ministers of our allies, France and Russia, our coguarantees for the integrity of the Greek nation; more particularly, my Lords, as it appears that those Ministers came forward readily to offer their friendly offices and their assistance?

I cannot but think that it is much to be regretted that Her Majesty's present Government, which, as well as preceding Governments, have paid so much deference to the opinions of an influential leader of a large Radical party in this country, whose "unadorned eloquence" is said to have been the sole cause of all those great changes which not long since took place in the domestic policy of this country, either for good or for evil, but which I humbly think were effected to the permanent injury and ruin of this country. But be that as it may, I cannot but think it is much to be lamented that Her Majesty's Government have not paid attention to the advice of that influential leader upon the only point in which I humbly think he ever gave good advice, namely, to refrain from quarrelling with our neighbours; to abstain from undue interference with the internal affairs of other nations; and to cultivate the friendly feelings and the goodwill of all the other nations of Europe. My Lords, I think it very unfortunate that Her Majesty's Government have not paid a greater observance of that most useful and salutary maxim, of, "Do unto others as you would wish to be done by yourselves;" and, as your Lordships well know that this country would ill brook, indeed would not tolerate, the slightest advice or interference from any foreign Power with our internal concerns, it is much to be regretted that we do not refrain from interfering with the internal affairs of other nations. My Lords, it is with these feelings, and deeply impressed with the extent of the danger of our present situation with regard to our relations with foreign Powers, and I do assure your Lordships, without any personal or hostile feeling towards the noble Lord at the head of the Foreign Department of this country, for whose talents, for whose firmness, and whose courage I may be permitted to say I feel a very great respect; but, my Lords, feeling that, in the present circumstances of this country, it is most requisite that the affairs of the Foreign Department should be carried on upon principles pre-eminently pacific—deeply feeling, my Lords, the danger of the position in which we are placed with regard to all the nations of Europe, having alienated from us the friendly feelings of every one of them, being almost without a friend or an ally upon the whole Continent of Europe—it is, my Lords, deeply impressed with these feelings, that I shall consider myself in duty bound to give my cordial support to the Motion of the noble Lord.

LORD WARD regretted that this matter should have been made a party question; and he could not help thinking that the object of the noble Lord, in moving his resolution, was to give the Government an opportunity of explaining the course they had adopted towards Greece, rather than to create a faction fight on such a subject. It would have been much fairer to the noble Lord at the head of the Foreign Department to have brought the subject forward in the other House of Parliament, when he could have gone fully into detail, and have answered the noble Lord's statements by a reference to all the facts of the case. From personal experience he could say, that a strong feeling had existed in the minds of preceding Administrations, in favour of the line of policy which noble Lords opposite now so severely condemned, and that several successive Ministers had pressed these claims upon the Greek Government, without obtaining any satisfactory arrangement. When measures were first taken against Greece on this subject, there was one general feeling in favour of the steps; but the moment redress was afforded by the Greek Government, and not until then, they heard the voice of complaint. The constitution of Greece was but a name; it was null and void, in point of fact, and the King of Greece was as much a despot as the Emperor of Russia. When he (Lord Ward) was in Greece, the general feeling of the people of that country was, that, however just the demands might be, not one of them would be conceded until this country resorted to force. The British Government were never desirous of adopting such a step against so weak a State as Greece, and had delayed the enforcement of their demands as long as they could, in the hope that one of the other great Powers would interfere, and counsel the Greek Government to do justice; and their Lordships had seen how readily the offered mediation of France was accepted by Her Majesty's Ministers; but when that functionary retired from the negotiation, the British Minister had no alternative but to resume the application of force, for the enforcement of the just claims of those whom he represented.

LORD BEAUMONT would not follow the noble Earl (the Earl of Aberdeen) in his tour round Europe, nor enter into those subjects which the noble Earl had introduced, but which were quite foreign to the question before the House, and which had been represented by the noble Earl in a light which their true history by no means justified. His (Lord Beaumont's) object in rising on the present occasion, was to protest against the docrines put forward in the speech of the noble Lord who made the Motion, as well as to record his vote against the resolution itself. While the noble Lord was speaking, it was with some difficulty that he (Lord Beaumont) could keep present to his mind the fact, that a Member of the House of Lords was discussing in an English House of Parliament a question of public policy; for he could not refrain from thinking frequently during the course of the noble Lord's speech, that some able advocate, engaged by a foreign enemy, was anxiously trying to cripple the operations of the British Government, to place impediments in the way of the free action of the nation, to diminish her influence as a great European Power, and to reduce her to the level of a second-rate State. If the noble Lord's views were correct, and his doctrines with respect to international law adopted, it would be futile for us to keep fleets afloat, or to maintain ambassadors abroad, for we should not be entitled to employ the one in the protection of our commerce, or the other in enforcing the law of nations in vindication of our national rights. The noble Lord went the length of laying it down as a pinciple, that whenever a British subject, abroad, suffered a wrong at the hands of a foreign Government, he must rely on the tribunals which administer the law in the country in which the wrong was done, and abandon all right to that protection which sojourners in a foreign land have hitherto claimed from respect to the flag of their own country. Carried to that extent, the principle would justify the most barbarous cruelties inflicted by despotic monarchies on strangers in their land; and prevent all remonstrances on the part of the country of which the sufferer was the subject, because the torturer might argue that he only treated the stranger as he treated his own people, and that the local tribunals alone could interfere in the case. There were countries where what law did exist was revolting to humanity; there were others where, though the laws were not bad, the tribunals were corrupt; in both cases a foreign merchant might suffer wrong, and in neither case could he, according to the noble Lord's doctrine, claim redress through the intervention of his own Minister. Such a doctrine would be subversive of all international intercourse, and a total abandonment of that just practice which gives foreigners confidence that, if they do not violate the law of the land, they shall have the full protection of the peaceful relations between their own country and that in which they happen to be. Again, the noble Lord laid down the principle that in the disagreements with foreign States, we were bound to consult the other great Powers of Europe, previous to demanding satisfaction. At any rate, the noble Lord maintained, we were bound to consult France and Russia before enforcing our claims against Greece. That was a proposition to which he (Lord Beaumont) could in no way subscribe. England, France, and Russia guaranteed the independence of Greece, and from that moment Greece was placed on the footing of every other independent State. The very act which guaranteed the independence of Greece, made any quarrel arising between her and another country a matter to be settled by her and that other country, without the necessity of either consulting or informing other Powers respecting the matter in dispute. He (Lord Beaumont) did not deny that there might be cases in which it would be politic and wise to consult other countries before proceeding to extremities; but he disclaimed the abstract proposition that there was any obligation so to do. In the case of Greece, it was as well to inform France and Russia of our intentions to claim reparation for wrongs, inasmuch as the three Powers were interested in obliging that country to fulfil its engagements; but he had yet to learn that such information had not been given in this case, or that the other two guaranteeing Powers were not fully aware of our reclamations. These claims were of no recent date; but the ease with which Coletti had set at nought the demands of England when the noble Earl (Lord Aberdeen) was in office, encouraged Otho's Government to think that they could still continue to set us at defiance. The noble Earl wrote despatch after despatch, used first advice, then threats, but all to no purpose. Coletti disregarded his threats and advice alike.

LORD ABERDEEN: Coletti was not Minister when I was in office.

LORD BEAUMONT: Not Minister! He was two years Minister while the noble Earl was in office, and the noble Earl had kindly shown him (Lord Beaumont) the correspondence which took place at that time. He (Lord Beaumont) would recall to the noble Earl's recollection the conversation which passed on the occasion. On the noble Earl's asking what he could do more, he (Lord Beaumont) replied, you have exhausted the strength of diplomatic language, nothing now remains but force. The noble Earl further asked him, if he wished force to be employed; to which he (Lord Beaumont) replied, he would be sorry to see force used against Greece.

The EARL of ABERDEEN explained, that with the exception of the interest on the Greek loan, he had left no claims unsettled when he left office. Mr. Finlay's claim had only just commenced, and he (the Earl of Aberdeen) had been requested to use his good offices, which certainly, whatever they might mean, did not mean force. Many individual claims had been brought before him, the whole of which had been satisfied by the Greek Government.

LORD BEAUMONT continued: He would take the principle laid down in the noble Lord's proposition, and show that even on that ground the late proceedings were justifiable. He would allow for the moment that none of the claimants were entitled to more than the laws of Greece would give them; and that they were bound to apply to the tribunals of Greece for justice. In the first place, he would further allow that it was only on the tribunals failing to afford justice, and the Government refusing to enforce the law, that England had a right to interfere. He would argue the case of Mr. Finlay first: that gentleman's land had been taken from him without notice and without compensation; and the noble Earl himself had allowed that it was an act of injustice. In this case of Mr. Finlay, the spirit of the Greek constitution had been violated, and the law of the land refused to be put in force. The Twelfth Article of the Constitution says, in reference to land taken against the will of the owner for public uses, that indemnity must be accorded previous to seizure. Now, in the case of Mr. Finlay, the land was seized without either notice or offer of indemnity. In England, a landowner is entitled to more than the actual value of the land if the sale is compulsory: in all countries the law awards him the full value; but in

Greece the Government took possession without either asking the owner his price, or offering him one for it. Mr. Finlay protested against this violation of the common law of all civilised countries; but instead of insisting on an exorbitant remuneration, he declared himself willing to submit to arbitration. The rules of arbitration are the same in Greece as in all other countries: an arbitrator selected by each party, and an umpire selected by the two arbitrators. This was refused him. Colacotroni actually proposed that if the two arbitrators should disagree, the president should name a third, and that his award should be final; in other words, that one of the parties concerned should appoint two out of the three arbitrators, and that the other party should appoint only one. It was useless to say that such arbitration was a mockery of justice. Thus the law of Greece was first violated by the manner of seizing the land, and next by the sort of arbitration proposed. It was not until the law had been thus actually violated, and the reparation which the law offers positively refused, that Mr. Finlay applied for protection to his own Government, and refused to be any longer at the mercy of the Greek Ministers. The Government of this country had previously offered its good offices, but its good offices were of no avail. It now claimed justice for an English subject as a right, but with no better effect. The claim was repeated again and again; but no inclination was shown on the part of the Greek Government to settle this or any other demand of justice at its hands. He came next to the claim of M. Pacifico. He agreed with the noble Lord in not entertaining any very high respect for the character of M. Pacifico; and he thought moreover that M. Pacifico's claim was in regard to its amount monstrous, or at least ridiculously exaggerated; but neither the character of the claimant, nor the preposterous magnitude of the sum claimed, had any thing to do with the principle for which he (Lord Beaumont) was contending. For how stood the case? A fanatical mob, encouraged, if not led by persons connected with the Government of Greece, break into M. Pacifico's dwelling, destroy his furniture, insult the females of his family, injure him in his own person, and finally set fire to the house itself. There was an outrage which violated the criminal law of the country, and annihilated the property of an English subject. Now there was a difference between demanding compensation for mere damages done to property, and demanding reparation for injuries done to person as well as property: this last element had been lost sight of altogether in estimating the justice of M. Pacifico's claims. After receiving this double injury from a mob in open day, how did M. Pacifico proceed to obtain redress? He informed the Procureur du Roi, he stated to him in evidence all that had taken place; but that functionary, although he knew the circumstances of the outrage, and was acquainted with the author of it, refused to take any steps towards obtaining an indemnity for the mischief done, or any proceeding to punish the offenders. It was the duty of the Procureur du Roi to have instituted proceedings against the parties for breach of the peace, and for damage done to an unoffending stranger; nor was it until after that Minister had declined to act, and the protection of the law of Greece been thus withheld, that M. Pacifico applied to Sir E. Lyons for his interference. Now what did Sir E. Lyons do? Why, he urged M. Pacifico to appeal again to the Procureur du Roi. After three weeks waiting in vain for the Greek Government to act spontaneously, Sir E. Lyons addressed the Greek Government. And in what terms did he address it? Why, he expressed a hope that the Greek Government would act according to the Greek law in the matter; and would of its own accord see justice ultimately done. This appeal was in vain, and for six months Sir E. Lyons lived upon hope, and went no further than to express his expectation that the Greek Government would settle the matter without his interference. Had the same thing happened in England, what would the authorities here have done? Suppose that in the Nottingham riots, Nottingham Castle had been the property of a foreign resident instead of an English nobleman, would not the hundred have had to pay equally for the damage done, and the sufferer have been equally compensated? Would the Government here have refused or even delayed to acknowledge the claims? Would they not, if they had done so, have rendered themselves liable to have been called upon to make reparation by the Government of which the foreign sojourner was a subject? Sir E. Lyons allowed ample time for the Greek Government to act; and he (Lord Beaumont) contended that it was only when all hope of obtaining justice by other means had completely vanished, that a positive demand was made. He (Lord

Beaumont) did not mean to defend the amount of the claim: on the contrary, he agreed that it was ridiculous; but the letter of Glorokis, although ingeniously written, was a perfect denial of all justice, and a refusal to acknowledge any claim whatever. The Greek Government would not even investigate the matter, so that in both cases—in that of M. Pacifico as well as in that of Mr. Finlay—the law of the land was first violated and then denied to the sufferers; and therefore he (Lord Beaumont) contended that the English Government had acquired a full right to interfere. With respect to the next case, that of the boat of the *Fantome*—that the noble Lord should have treated Mr. Finlay's case lightly, and have turned M. Pacifico into ridicule, was what might have been expected; but that he should have thought so little of a British officer and a boat's crew on duty, was more than he (Lord Beaumont) had anticipated. The case presented a series of studied insults to Her Majesty's officers; and it must be remembered that nothing had been done to provoke such offensive conduct. A boat of the *Fantome* lands the son of a Consul opposite the Consul's house, when the cockswain is arrested by a Greek patrol between the boat and the Consul's door. The midshipman and boat's crew are forcibly taken to the guardhouse. It might have been a mistake of the Greek soldiers; and if the local authorities had apologised, the subject would have dropped. But this the Nomarch refused to do. He on the contrary trumped up some false accusations against the English officers, not only of the *Fantome* but of the *Spitfire*. When called upon to explain, he refused all investigation, except the proceedings were conducted by the Procureur du Roi, as if his charge against the officers had been founded on fact. If such doings were permitted to go unpunished, our officers in a country like Greece would be insulted on any trifling occasion. What he (Lord Beaumont) complained of in reference to this matter was, that the demand for reparation had been so long delayed. He would fain have seen a question of this kind righted at the moment and on the spot. But, after all, the primary outrage was not the worst. Lieutenant Macdonald of the *Spitfire* had been erroneously alluded to, and his word, as well as that of other English officers, disputed by the Greek Government. Captain Le Hardy had instituted an investigation into the whole affair, and the result of that investigation was laid before the authorities at Athens; but instead of acknowledging that their agents had been mistaken, and the Nomarch of Patros in the wrong, they pretended to believe the statements of these latter, and declined to take the word of honour of a British officer. Such a matter ought to have been cut short at once; but the pliancy of the British Government seems to have been in this instance extraordinary. The event occurred in January; May came, and no communication from the Greek Government; December came, and no answer to the many letters of the English Minister. Could we brook it any longer? He (Lord Beaumont) thought this subject should have been separated from the other claims. It stood on different grounds, and affected all maritime nations. He might add, that the French naval officers upon the station were as anxious as we were, that, for the sake of the precedent, full reparation should be demanded and made on this occasion. The next case was that of the Ionian boats at the custom-house at Salcina. This was not a mere case of plunder committed by brigands; but the custom-house officers, if they were not in alliance with the thieves, were the means of drawing the Ionians into their power. It had been stated that the custom-house officers connived at the whole affair; but there was nothing in the blue books to affirm this assertion. Let that, however, be as it might, Ionian traders had been tortured in one place, robbed in another, and no redress obtained for the wrong. Such was the summary of our present claims. They were known both to France and to Russia; they had been pressed again and again on the attention of the Greek Government; we had been calm and patient, even to a fault. They were all of long standing. Mr. Finlay's claim dated from 1842, M. Pacifico's from 1847, the Ionian boats at Patros from 1846, and those at Salcina from October in the same year. After all, what was to be done? We had used every possible means to obtain a peaceful settlement. In December 1848, Sir E. Lyons demanded redress; in July 1849, Mr. Wyse did the same. Sometimes we received most unmeaning replies, sometimes we received no answer at all to our representations. At last it became evident that something decided must be done. A final claim was put in; and this not having been attended to, there was nothing left for it but force. Force, therefore, was to be applied; but how? Mr. Wyse, without making the matter public, without communicating with his colleagues at Athens, but in a private interview, as a friend, laid his intentions before the Greek Minister. He did all he could to save the feelings of the Greeks, and not to wound their pride. He gave them four-and-twenty hours before any official announcement was made, in the hope that they would take the initiative, and thus preclude any demonstration of force. Had the Government adopted his advice, they would, by acknowledging the claims, have raised the national character of Greece for honesty, and prevented the loss, both in honour and in wealth, their refusal to pay a just debt had entailed upon them. The principle once adopted, there would have been no difficulty in arranging the amount; for Mr. Wyse was as anxious as they were that it should not exceed the justice of the case. Bad counsellors, however, induced them to take another course; they set us at defiance, and found, to their cost, that they could not do it, this time at least, with impunity. What had been asked privately was now demanded officially, and another four-and-twenty hours allowed. Under all these circumstances, he thought that Her Majesty's Government were justified in the whole course of their proceedings, and that the noble Lord opposite had failed to make out any case against them. He had failed in showing that they had acted precipitately; he had also failed in showing that they had acted harshly; he had failed in showing that they acted in violation of the law of nations; and he had also failed in showing that they had acted contrary to the laws of Greece itself. Taking even the principle of his own resolution, he had failed to show that they had in anyway violated it. So much for the first part of the question: he would now proceed to the second part, which referred to the negotiations with France. When two great countries, like France and England, had dealings with each other, he (Lord Beaumont) believed that all finesse or diplomatic intrigue were out of place, and that a course of straightforward, open, candid conduct alone became the dignity of either party. In the late transactions, he (Lord Beaumont) was convinced that there was no deceit either intended or practised by the representative of France in this country. In his (Lord Beaumont's) opinion, the conduct of France, as represented by that most honourable and distinguished man, M. Drouyn de Lhuys, had been fair and candid. That of Lord Palmerston had been equally straightforward. Lord Palmerston laid it down as a principle, from which he would not recede, that the claims themselves might not be disputed, although their amount was open to further investigation. He believed it was understood both in London and Paris, that Baron Gros went to Athens to get the claims settled as soon as possible, and not to dispute their existence. In other words, he was to use his good offices to induce the Greek Government to comply with the demands of England, and not to set himself up as an arbitrator between the two Powers. Lord Palmerston also laid it down distinctly that it should rest with the French negotiator to determine whether and when the negotiation with the Greek Government ought to be considered as having failed; that the action of the squadron was to remain suspended until Mr. Wyse should receive notice from the French negotiator that he had withdrawn from the negotiation; and that Mr. Wyse was not to take upon himself to determine that the French negotiator had failed. The question, therefore, resolved itself into one of fact, namely, whether Baron Gros did withdraw, or did not withdraw, from the negotiation. To him (Lord Beaumont) it appeared indisputable that Baron Gros had withdrawn. In more than one place Baron Gros stated that he considered his mission as terminated, or, at least, suspended for a time; in other places he stated that he desisted from further negotiation. In fact, he implied that he had failed. He (Lord Beaumont) thought that Baron Gros had all along misunderstood his mission. He considered himself an umpire, instead of a negotiator. At any rate, he did not put that earnestness into the cause which he might have shown. While he was losing time at Athens, the convention was signed in London; and he (Lord Beaumont) considered it certainly most unfortunate that that convention did not arrive at Athens before Baron Gros withdrew from the scene. For the delay, however, he thought nobody was to blame, unless it was Baron Gros himself, who had so abruptly terminated his labours. Lord Palmerston had acted with good faith in his negotiation with Mr. Drouyn de Lhuys, and gave his cordial consent to the convention they had mutually drawn up. But when he found that the affair had been already settled, and that that settlement was, if anything, more favourable to Greece than the London convention, Lord Palmerston could hardly be blamed for hesitating to inflict an additional injury upon Greece, by re-opening the question to gratify the vanity of France, and merely to enable her to say that she had settled the matter. He (Lord Beaumont) was surprised that a great country like France should have ever made a point of having the London convention adopted, especially when she knew that the terms of that convention were rather more injurious to Greece than the one concluded at Athens. Great nations ought not to have little vanities; and from a country like France, he never expected so much difficulty about such a trifle. He would have expected her to have said, "We are satisfied to find the case is settled, and though it has not been arranged by us, we are equally happy that an agreement has been come to." He (Lord Beaumont), on the other hand, must own that the difference between the settlement effected in Greece and the convention signed in London was so small, that he could have wished Lord Palmerston to have said to France, "Take one or other of the plans. I prefer that you should take the one that is least injurious to Greece; but, if you prefer the other, I shall not object to your taking it, provided you, at the same time, take upon yourselves the onus of prevailing on Greece to adopt it." He (Lord Beaumont) understood that what little difference existed between the two countries was on the point of being settled. But even supposing that the two Ministers of the respective countries were unable to come to a mutual understanding on the matter, their trifling difference might, as far as peace between the two people was concerned, remain suspended *in nubibus*, without creating any alarm. He had now concluded the observations he intended to make on the particular subject immediately before them; but before he sat down he must renew his protest against the doctrine laid down by the noble Lord, and repeat his conviction that we had strictly adhered to the law of nations. If instead of abiding by the spirit of that law, we adopted the principle contained in the resolution, the boasted protection of neutral flags, which England, like all other countries, maintained, and allowed as one of the great means great nations have in their power of mitigating the horrors of war, and the practices of barbarous nations, will no longer exist, and free intercourse between the people of different countries no longer be practised with safety. It had been said that Austria and Russia had threatened to act on the principle of the noble Lord's resolution; but if they carried their threat into execution, the blow would recoil on their own heads. Foreigners who had hitherto carried wealth and intelligence to those countries, erected their great works of art, supplied means for their commercial speculations, developed their manufactures, and upheld their industrial institutions, would no longer continue to do so, but go to those countries where they knew that their persons and their property would be protected by their national flag. England gives as much as she takes; and until she sinks to the level of a second-rate Power, as long, in fact, as she is a nation, she will see her flag respected, and the rights of her merchants, scattered as they are over the face of the globe, maintained. If this can be done by the respect paid by foreign Powers to the rights of strangers sojourning in their land, so much the better; if not, England must use her strong arm. In conclusion, he regarded the present Motion as one of foreign origin, dictated by foreign influence, intended for foreign purposes, hostile to the best interests of this country, and disgraceful to the House if adopted by it.

VISCOUNT CANNING said, as there had been some matters stated as facts on the other side of the House which he was disposed to dispute, he begged to be allowed to say a few words before the debate concluded. And, in the first place, he wished to guard himself against an imputation that had been thrown out against the noble Lord who had opened the discussion, of being disposed to underrate the responsibility of Greece, and to stand up as an indiscriminate advocate of the acts of Greece. He (Viscount Canning) admitted as fully as any noble Lord on the other side could, that the conduct of Greece in many of the transactions in question, had been exceedingly reprehensible; and with regard to the responsibility of Greece, he was disposed to push it, perhaps, a little further than the noble Marquess himself. But it did not follow that because the Greek Government had done wrong, the English Government had done right. He confessed that throughout these transactions he saw many matters which called for the reprehension of Parliament and the country; and in saying this he referred not so much to the later transactions, in which the French Government hsd been mixed up, as to the earlier transactions, in which the English and Greek Governments only were concerned. From the first it appeared to him that there was a departure from right principles on the part of our Government, to which he attributed all the subsequent difficulties which had arisen, and which, if allowed to pass without reproof by Parliament, might be construed into a most dangerous precedent and example. He had heard nothing in the course of this discussion which shook his confidence in the maxim quoted from Lord Mansfield by the noble Earl near him (the Earl of Aberdeen), the terms of which applied strictly, accurately, and with curious minuteness, to the present case. "The law of nations, founded on justice, equity, convenience, and the reason of the thing, and confirmed by long usage, does not allow reprisals except in cases of violent injuries supported or directed by the State, and all justice absolutely denied *in re minimè dubiâ* by all the tribunals, and afterwards by the Prince." He would take in the first place Mr. Finlay's claim. He did not say that that gentleman had no claim at all; but he did maintain that it was not put forward in the only proper and seemly mode in which it could have been advanced. Mr. Finlay, in one of his first letters bringing forward his claim, and asking for the good offices of the English Government, said that in Greece no action lay against the Crown. If that statement had been true, it would certainly have justified Mr. Finlay's demand; and in that belief the noble Earl near him (the Earl of Aberdeen) instructed Sir E. Lyons to use his good offices with the Greek Government on the subject; but in three successive notes, the statement made by Mr. Finlay, that no action would lie against the Crown, was distinctly denied by the Greek Minister, who offered that the claim should be settled by a commission, or by a reference to arbitration. That offer was not accepted, and for nearly two years Mr. Finlay's claim was in that position. Mr. Finlay, in a letter dated the 11th of September, 1848, said he believed that it was of no use suing the Greek Government, so long as they retained the power of dismissing the judges at pleasure. Their Lordships would perceive that this was quite inconsistent with Mr. Finlay's former plea, that, by the Greek law, no action would lie against the Crown; and, as another reason for not appealing to the Greek law, Mr. Finlay adverted to the expense and delay which would attend bringing the case before a court of law as tantamount to a denial of justice—a reason which amounted to a stultification of that which he first assigned, in asserting that the Crown could not be pursued. He would ask, would their Lordships sanction such a course of proceeding, that an English subject should turn his back upon the tribunals of the country where he was resident, and appeal for redress to the active and forcible interference of Her Majesty's Government? What would their Lordships say if the subject of any foreign State were to come before the Government of this country with a peremptory order from the Minister of his country asking for indemnity because law was expensive in this country, and because the chief of the judges was removable on political and party grounds? He was sure their Lordships would scout such a claim, and justly; and as justly did the Greek Government scout the demand which was made on the part of Mr. Finlay. He did not say that there was no foundation, in justice, for Mr. Finlay's claims, but he would say that the Greek Government were perfectly and entirely justified in refusing assent to the demands of Sir Edmund Lyons, on the ground of claims which Mr. Finlay had not in the first instance sought to enforce from the tribunals of justice. It was no answer, that Mr. Finlay had, in some respect, applied to the courts of law, and not received justice. To any such assumption he would oppose the admission of Mr. Finlay himself—Mr. Finlay having stated in the letter already referred to, that the Greek tribunals had so nobly defended the liberties of the press, that he would have felt great confidence in their equitably deciding a case which could have come fairly before the judges if the judges had been irremovable. One Government could not, without giving great offence, hold to another, language in which it was signified that the administration of justice was so impure and so little trustworthy within the domain of the latter, that the former would not submit a question to the decisions of the tribunals. It was a course of proceeding which struck at the very root of a Government's independence; for if a Government had any independence, where could an acknowledgment of that independence be more justly looked for than in the deference paid by another country to its laws, and the judges who administer those laws? It was true that there were many countries where the sources of justice were polluted; and foreigners, if they were to abide by the decisions of the courts of such countries, would receive but little justice. But it was not the less incumbent on the Government of a foreign State to show, in each particular instance, a respect for the judicial institutions of a country. If other countries were to take example from the course pursued by the British Government with reference to Greece, they would begin by demanding redress through diplomatic and not judicial channels, and would be the assessors of their own costs and damages. If the costs and damages incident to the case of a British subject arising in another country were to be awarded, not in the country where the injury was suffered, but in Downing-street, the treatment such a country received would be equalled by nothing but that which we apply to African chiefs or pirates. But if the manner in which Mr. Finlay's interest was supported were open to objection, much more so was the manner in which M. Pacifico's was urged. Neither in M. Pacifico's case did he say—although a taunt had been thrown out on the point against the supporters of the resolution—that it was a case in which there was no ground for anything in the shape of reparation and redress. But there was a difference in the two cases. In Mr. Finlay's there was at least a *corpus delicti*, the property was present before the eyes of the Greek authorities. M. Pacifico's estimate of his property stood on his own assertion, and the Greek Government had good reasons for distrusting his estimate; for they well knew that two years before he had preferred a complaint against the Portuguese Government; and how were the Greek Government to come at once to a conclusion with reference to a claim of some 6,000*l.* or 7,000*l.* on M. Pacifico's own calculation when they knew that the claims against the Portuguese Government had been referred two years previously, and indignantly refused? In M. Pacifico's case nothing was certain except the fact that his house had been assaulted. How then did the Greek Government act? They justly and properly required that such alleged losses, before they could be compensated out of the Greek treasury, should be verified before a court of justice. The noble Marquess opposite was at great pains to show that M. Pacifico had applied to a court of law for redress; but the noble Marquess was under a great misapprehension on that point, because though it was true that M. Pacifico did appear before a Greek magistrate, yet it was only in the capacity of a witness as to the riot—he never put his claims before a Greek judge in the character of a suitor; for he knew that if he could get Sir Edmund Lyons and the Secretary of State for Foreign Affairs to back his demands, he would have a far better chance of success, and with far less trouble, than if he sought redress through the courts of justice. It could not be said, however, that M. Pacifico had altogether ignored Greek law; for when his house was, as he alleged, attacked a second time, in the autumn of 1847, he again complained of the outrage; and whatever the noble Lord at the head of the Foreign Department might think of it, he was sure that the keen sense of the ridiculous of his noble Friend the Under Secretary must have been awakened by M. Pacifico's description of his house being attacked by a party of unruly schoolboys, armed with the childish toys of bows and arrows. But, whatever was thought of the matter, Lord Palmerston, in reply to the despatch announcing this assault, instructed Sir Edmund Lyons to acquaint M. Pacifico that he was to take legal proceedings for redress before the Greek tribunals at the expense of the British Government. This was the first, and unfortunately the last, time in which the noble Lord was betrayed into a becoming and legitimate course; for unhappily Sir Edmund Lyons thought proper to leave the execution of these instructions to the option of M. Pacifico; and shortly after announced to Lord Palmerston that M. Pacifico had consulted his legal advisers, and their opinion was, that as circumstances stood, he had no chance of success; and from that moment no more was heard of M. Pacifico's claims being pursued in a court of law. There was one point on which the noble Marquess opposite had laid such great stress that he must refer to one or two papers on the subject, in order to relieve their Lordships from the misapprehensions entertained by the noble Marquess. The noble Marquess professed to show that M. Pacifico's claim on its integrity formed no part of the demand of the British Government on Greece at the moment Baron Gros was sent out; and he quoted a despatch, previous to that period, to show that it was the intention of the noble Lord that M. Pacifico's claims, if they were deserving of examination at all, should receive consideration. But, in the first place, Sir Edmund Lyons did not act upon that despatch—he might have good reasons for not doing so; but he did not state what those reasons were. In the next place, the question was not what were the demands made in previous years, but what were the demands made by the Greek Government at the moment Sir W. Parker's guns were pointed at the Piræus. Now, one or two passages from the despatches would set this matter in its true light. Their Lordships were aware that Mr. Wyse, after the interview which he and Sir W. Parker had with the Greek Minister, in which he refused redress, addressed a note to him on the 17th of January, recapitulating formally all the demands he had to make, and stating, that unless these demands were fully satisfied in every particular with the legal Greek interest of 12 per cent, and his formal demand literally complied with, hostile measures would be commenced at the end of twenty-four hours. He distinctly stated to the Greek Minister that he was precluded by his instructions from entering on the merits of the several demands. Now, what meaning could there be in words if this did not imply that no compromise would be admitted with regard to M. Pacifico's claims more than the others—that no assenting answer but one, and that an unqualified one, could be received? On the 16th of February, Lord Palmerston wrote to Mr. Wyse, informing him of the coming out of M. Gros to negotiate, and he ended his despatch by saying, "Her Majesty's Government cannot give up any of the demands which have been made; but it may be requisite that Baron Gros should be furnished from time to time with detailed information respecting them. It is possible, moreover, that propositions may be made to you respecting the detailed amount of M. Pacifico's claim; and you are not to hold yourself precluded from taking any such proposition into consideration, if you should think it deserving attention." Now what was the use of telling him this, if Mr. Wyse had already received instructions which allowed him to enter into a discussion of M. Pacifico's claims. There were several other points worth noticing, in the case of M. Pacifico, but he would pass on to the question of compensation for the Ionian boats. This was a different claim from the others—it was a question of principle—the others were questions of facts. It appeared that a band of robbers had overpowered the custom-house at Achelous, and had also plundered some Ionian boats moored in the river. But these robbers were oppressors of the Greeks as well as of the Ionians. They had plundered two Greek vessels, as well as the six Ionian boats. They had carried off several Greek subjects into captivity, for the sake of their ranson. The local government finding itself unable to put down these marauders, applied to the Greek Government for a reinforcement of troops. Two things were apparent upon this statement of facts: first, that the robbers plundered Greek subjects as well as foreigners; secondly, that the local government had a *bonâ fide* desire to suppress them. The conclusion at which the Greek Government arrived with respect to the claim of the Ionian boatmen was this, that as Greek subjects had no claim upon it because they had been robbed, so the Ionians had none. Lord Palmerston's answer to this was of a most extraordinary description. He stated, in his despatch, that as the Greek Government had been either unwilling or unable to put down the gangs of robbers who infested Acarnania, he must require the Government of Greece to make good the loss incurred by Ionian subjects who had been plundered by them. Where was the common sense of this? If depredations took place in any country it must be because the Government of that country was either unable or unwilling to prevent them. In most instances it was owing to the inability of the Government, and that, doubtless, was the case in Greece. But that made no difference to Lord Palmerston; he did not insist on compensation for the Ionians because the Greek Government was unable and unwilling to put down the robbers, but because they were unable or unwilling. Why, if a claim resembling that which we had pressed upon Greece were set up in London by the representative of a foreign Power, what reception would it meet with? If a foreign merchant residing in this country were to suffer loss from swindlers or housebreakers, and, upon the police failing to apprehend the culprits, were to prefer a claim upon Her Majesty's Treasury, should we not treat it with scorn? It was remarkable that in Lord Palmerston's despatch from which he had just quoted a few words, the writer completely shirked the argument advanced by the Greek Government, namely, that foreigners were not entitled to greater protection than its own subjects received. This shirking was, indeed, remarkable, because on a previous occasion, in a despatch referring to the case of Mr. Finlay, Lord Palmerston did not hesitate to declare that—"when the question is whether a British subject in a foreign country shall or shall not be compelled to accept an inadequate compensation for an act of injustice by which he has suffered, the British Government can pay no attention to the argument that compensations equally inadequate have been accepted by natives, or by subjects of other States, for similar injuries sustained by them. The British Government is entitled to expect that justice shall be done to British subjects, in whatever country they may reside." If such an argument were really urged, *bonâ fide*, he could hardly conceive one more deserving of attention. The noble Marquess laid some stress upon the fact that all these papers had been submitted to the law officers of the Crown, and obtained their approval. For his part, however, he attached little importance to a legal opinion, unless he saw the case on which it was founded; for it had become almost a proverbial saying that a man could obtain any opinion he liked accordingly as he framed his case. He fully subscribed to the opinion of Lord Mansfield already quoted. Lord Palmerston had enunciated a different principle, and he might soon be called on to act upon it. It was notorious that British subjects had preferred claims against the Governments of Naples and Tuscany for losses suffered in the course of the military operations which had been rendered necessary by the lamentable events of the last two years. Neapolitan and Tuscan subjects had received no compensation for similar losses, and it was very probable that circumstance would be pleaded in bar of the claims of British subjects. He would be glad to know how Lord Palmerston would dealt with that case? But indeed opportunity had already presented itself for the noble Lord to assert his new principle of international law. It had recently transpired through a police report that a British seaman serving on board a vessel which touched at the port of Charleston in America was, because his skin happened to be black, seized by the authorities of that place, thrown into prison, and incarcerated until the vessel was on the point on sailing. Here was a case not of partiality, or corrupt justice, because American black subjects were treated in precisely the same way, but of intolerable hardship. Would Lord Palmerston attempt to carry his principle into effect with as high a hand against powerful America, as he had against powerless Greece? Looking at the whole of the proceedings in the case of Greece, the result appeared to be this, that in one instance recognised principles of international law had been overridden, and in another, an altogether new principle of international law had been introduced. He believed the adherence to those principles was of vital importance, and that the maxims laid down by Lord Mansfield were founded in wisdom, and could not be violated with impunity. There were other countries scarcely less powerful than ours, though far less scrupulous in the use of their power; and it behoved us to reckon what might be the consequence of setting this example. The fable of the wolf and the lamb was easy to get up a short notice. It is easy to trump up claims against a weak neighbour; it is easy to ask for redress in terms which make compliance impossible; then follow, in natural course, threats, reprisals, hostilities; and if, at last, our interests should compel us to interfere, or our support should be asked by other Powers, what answer could we make when our own example was referred to? But the tone and feeling of this correspondence also deserved notice. It was not necessary for the credit of the country and the importance of her interests that the communications between our Government and the Governments of other Powers should bo carried on in any other spirit than that which was observed in the ordinary affairs of life—dictated by honour and prudence; but he saw no signs of that spirit in this correspondence. The people of this country would not easily believe that it was requisite for the dignity of the Crown that a Minister in addressing a foreign Court should use the language of imperious brevity which was exhibited in this correspondence. He should not, however, be doing justice to the noble Lord if he were to allow it to be supposed the noble Lord alone was responsible for this correspondence. Never was a Secretary of State more ably seconded in spirit than the noble Lord had been by Sir E. Lyons. That gentleman had most thoroughly imbibed the spirit in which the despatches of the noble Lord were written; and if upon the receipt of his instructions he had flung them at M. Coletti's head as fast as they reached his hands, he could hardly have communicated them in a more offensive manner. In short, the whole tone of the correspondence showed a misplaced arrogance, which was compatible with neither good policy nor dignity. In regard to the conduct of the later transactions, those in which the French Government have been concerned, he looked in vain for the master hand; he readily admitted the great ability of the noble Lord, and had been accustomed to regard his doings as characterised by skill and dexterity; but he saw no signs of it here, and the only manner in which he could account for it was, from the unhappy consciousness of the rottenness of these claims, which pursued the noble Lord, and hampered him throughout these negotiations. The noble Lord accepted the good offices of France, and in doing so he ought to have placed the whole question unreservedly in the hands of the French Government; have relied with implicit confidence in their justice, and have told them that he was ready to abide by their decision. But this the noble Lord did not do; and why? Because he had no confidence in the justice of his cause? On the other hand, the noble Lord might have refused the good offices of France; he might have said, "No; we thank you for your kind intentions, but we decline them; we think that matters have gone so far that it will be better for all parties that we should proceed as we have begun." But this the noble Lord did not do; and for the same reason. He knew that in the eyes of the country the cause would not be viewed as one which justified a refusal of friendly intervention. Such were a few of the considerations that induced him to give his vote for the resolution of the noble Lord (Lord Stanley), a resolution which he ventured to think was not only justly, but temperately, worded. He earnestly entreated their Lordships to weigh well the decision which they were called upon to give. It might be that this unhappy proceeding had left a blot on the fair name of England which could not be altogether obliterated; but, at least, let them have the satisfaction of knowing that they done all in their power to vindicate that good name. If it was fated that a page in their history must be defaced by the record of a policy founded in injustice, conducted with arrogance, and closed without dignity, let them at least have the consolation to know that the same page would bear witness that that policy received at the earliest opportunity circumstances would permit, its direct, deliberate, and unqualified condemnation in a censure of the House of Lords.

Lord EDDISBURY said, that every one must be aware that in a great commercial country like this, with interests spread over every quarter of the globe, with our merchants in every port, and our ships on every sea, it was of the most essential importance that nowhere should injustice be permitted towards those who rightly claimed the protection of the British Government. It was almost superfluous to enter into the details of the claims which had been urged upon the Greek Government, as they had been already so amply discussed; but still he would, as briefly as possible, touch on the principal features of each case, and call their Lordships' attention to the course pursued by Her Majesty's Government. The first question for consideration was, were the demands upon the Greek Government just, and, if just, were the means resorted to for the purpose of obtaining redress, according to international law, and the practice pursued by this country and other civilised nations on former occasions, and under similar circumstances? With respect to the justice of the demands, it might appear almost unnecessary to enter into a discussion, as the French negotiator himself had admitted the validity of the most important cases, though he disputed the details. Before proceeding, however, with the cases, he could not but express his deep regret at the tone and manner in which they had been treated, and at the ridicule which had been attempted to be thrown upon the real injuries which had been inflicted on British subjects, because of the religion of the one, and the nationality of another, for though the one might be a Jew and the other a Scotchman, he had yet to learn that they were therefore the less entitled to the justice of the House of Lords, or the protection of their country. What were these cases which had been thus insultingly dealt with? First, was that of Mr. Finlay, an English subject, and a gentleman of the greatest respectability, whose land was arbitrarily seized by the King of Greece, and enclosed in the royal garden. An inadequate sum was offered and refused; and though Mr. Finlay always expressed his readiness to refer the matter to fair arbitration, his claim continued to be treated with indifference and neglect; justice was denied, and all attention to the repeated demands of the British Minister for redress refused, or disgracefully evaded; and when, at last, an arbitration was extorted from the reluctant Government, three months were allowed to elapse without taking any steps to carry the arbitration into effect, which according to the law of Greece rendered null all the proceedings in the case. Here, at least, even by the Greek Government itself, the justice of the demand was not denied, though redress had been shamefully evaded. In the case of Don Pacifico, a flagrant outrage was committed in open day upon the house and property of a British subject by an Athenian mob, attended by the soldiers and the police, and accompanied by two sons of the Minister of War. This outrage was committed as long ago as the year 1847; and for more than a year no answer was returned, and no notice taken of the repeated representations of Sir Edward Lyons — all redress refused—vain attempts made by the sufferer to obtain justice from the tribunals of the country; and the Greek Government, whose duty it was to prosecute the proceedings, made a pretence of commencing a process, but where Don Pacifico was never called before the tribunal, and the sons of the Minister of War, who had been denounced by name as having been present, were never questioned as to the part they had taken in the transaction. This mockery of justice pronounced that there was not sufficient evidence for conviction; and the wrongs of an English subject remained unredressed to the present day. At Salcina, Ionian citizens resorting to the Greek territory for the purpose of trade were plundered by persons in the uniform of the Greek service at the Government custom-house; and whether they were robbers who had usurped the places of the custom-house officers, or the officers themselves, the Government of Greece was responsible for the injuries they had received. If Greek subjects had been plundered at an English custom-house by persons in possession of the office, and in the dress of the servants of the Government, he thought few would hesitate in believing that the English Government would have been ready to make ample reparation for the loss they had experienced. At Patras and Pyrgos, Ionian fellow-subjects were tortured, illegally arrested, flogged and imprisoned, inquiry refused, or if a sham inquiry was instituted, it was done in the absence of the injured party and in secret, all redress denied, and the reiterated representations of the British Minister at Athens treated with contempt. Lastly, in the case of the *Fantome*, the English flag was insulted, a boat's crew with their officers arrested and marched to prison—accused of favouring rebellion—and all apology for the insult refused, and explanation of the conduct of the authorities of the Greek Government at Patras altogether withheld. Such were the cases for which the British Government felt itself called upon imperatively to demand redress, and after repeated applications which were treated with studied contempt and neglect, felt itself compelled to resort to ulterior measures for the purpose of obtaining justice. It had been said, that they were trivial in themselves, and not such as could justify measures of coercion. In the first place, were they so insignificant in themselves? What were they? Property arbitrarily seized by the King himself, and just compensation refused; the house of a British subject sacked in mid-day in the centre of the very capital of Greece, under the auspices of the police, and graced by the presence of the sons of the Minister of War; Ionian fellow citizens tortured, plundered, and illegally imprisoned; and, lastly, the English flag insulted, and English officer and sailors imprisoned and accused of aiding rebellion; and for all these offences redress contemptuously and pertinaciously refused. Were these not in themselves, any one of them, sufficient to require the intervention of the strong arm of England? But even if individually they might not be deemed insufficient, yet taken collectively, and considering the length of time which had elapsed during which all attention to our complaints had been refused, they manifested such a determined spirit of hostility to England, and to the just demands of this country, that it became essential and imperative upon the British Government to enforce her rights, or tamely to submit to continued contumely and injustice. Moreover, was this spirit apparent now for the first time, and only when Lord Palmerston was England's Minister for Foreign Affairs? Similar conduct was pursued by the Greek Government when the noble Lord opposite held the seals of office, and that noble Lord felt it to be his duty to hold language not less strong, and to intimate consequences not less serious, than for holding which his successor in his office had been so fiercely condemned. Lord Palmerston has been accused of addressing foreign Governments with haughty insolence and dictatorial advice, prescribing to them the course of policy they ought to pursue, and lecturing them on the management of their own affairs; but if that noble Lord was open to this charge, he might at least plead that a lesson had been taught him by one not the most insignificant of his accusers; and to show them that language not less strong, and opinions not less decided, on the conduct of the Greek Government and the Greek sovereign had been held by others than Lord Palmerston, he would take the liberty of reading a despatch which had been addressed by the noble Earl opposite (Lord Aberdeen, in 1844 to Sir Edmund Lyons on the occasion of the dismissal of General Church :—

> "Foreign Office, Dec. 2, 1844.
>
> "Sir—Her Majesty's Government have learnt with deep concern the dismissal of General Sir Richard Church by his Majesty King Otho from the post of Inspector General of the Greek army, which post he had so honourably and so usefully filled for many years. Their regret is increased by finding that General Grivas, who was so recently engaged in open rebellion against the throne, has been appointed to succeed him.
>
> "Her Majesty's Government do not propose to interfere in this matter, since, however unjust the deprivation of General Church, and however injudicious the elevation of General Grivas may have been, those acts were certainly within the competence of the Greek Government.
>
> "But, although Her Majesty's Government abstain from interference, they deem it an imperative duty on their part, considering the position in which Great Britain stands with regard to Greece, as a creating and a guaranteeing Power, to express in the strongest terms their sense of the injustice done to Sir Richard Church, one of the best, most disinterested, and most efficient supporters of Greek independence, by an abrupt and ungracious dismissal, unaccompanied by one word of commendation or acknowledgment of his great services to Greece; and also their sense of the excess of imprudence and impolicy exhibited in the appointment, to one of the most responsible offices under the Crown, of a man whose recent conduct has shown him to be an enemy to the throne and a deliberate perverter of order and discipline.
>
> "Her Majesty's Government consider themselves to be fully warranted by the overt acts of General Grivas himself, to instruct you to make known these sentiments distinctly, in their name, to the Greek Minister for Foreign Affairs, as well as to the King himself, should a favourable opportunity present itself; and at the same time to warn his Majesty seriously and solemnly of the danger to which he will expose his country and his throne by a perservance in so fatal a line of policy as he has recently pursued.—I am, &c.
>
> (Signed) "ABERDEEN.
>
> "Sir Edmund Lyons, &c."

This was pretty well for the Minister who never interfered in the internal affairs of other countries, who never gave advice as to the proper policy to be pursued, or found fault with the actions of a friendly sovereign. Not, however, that he (Lord Eddisbury) found fault with the language held on this occasion by the noble Lord, for he felt that the conduct of the Government of Greece deserved this, and more; but those who had felt it necessary to use such language, should not lightly condemn a Minister, who, after six additional years of systematic ill treatment of English subjects, and general misconduct in the administration of affairs on the part of the Greek Government, had deemed it his duty to express himself not less strongly when commenting on the conduct of that Government.

This, however, was not an isolated case in which the noble Lord opposite had felt it incumbent upon him to express himself with equal vigour with respect to the conduct of the Greek Government, for, in 1846, when that Government omitted to make provision for the payments of the interest on the Greek loan—for which Great Britain was a guarantee—and, at the same time, exhibited flagrant dishonesty and corruption in the administration of their affairs, he had thought it his duty to remonstrate with them in no ambiguous terms, and to intimate to them that he should insist upon payment, or that he must resort to ulterior measures.

He would call their attention to a few passages in a correspondence which was presented to Parliament in 1846, and begged they would observe the language that was used upon that occasion. In a despatch from the Earl of Aberdeen to Sir Edmund Lyons, dated October 2, 1845, he says—

> "I do not deem it necessary to make any reply to the note of M. Coletti, dated the 30th of April, and inclosed in your despatch of the 8th of May, in which he sets forth the grounds on which the Greek Government reject the Loan Convention of the 14th of September, 1843. Those grounds, and indeed the whole reasoning contained in that paper, are entirely unsatisfactory, and calculated to produce on the mind of Her Majesty's Government an effect precisely the reverse of that intended by them. In fact, that paper, taken in conjunction with the Greek budget, has convinced Her Majesty's Government of the necessity of adopting towards the Government of Greece, on the subject of the future reimbursement of the interest of the loan, a language which can no longer be misunderstood or set at nought.
>
> "In default of the ratification of the Convention of 14th of September, 1843, Great Britain, as one of the guaranteeing Powers, will insist, so far as she is concerned, on the strict execution of the engagements which flow from the 12th Article above mentioned. By the stipulations of that Article, section 6, Greece is bound to devote first of all to the payment of the interest and sinking fund the first revenues of the State, without employing them for any other purpose, until

the payments on account of the loan shall have been completely secured for the current year.

"The British portion of the instalment which fell due on the 1st of September, has already been made good by the British Government. With regard to the instalment which will fall due on the 1st of March, 1846, it will be necessary to ascertain how far the estimates which the Greek Government has taken as the basis of their calculations, are correct, and what the surplus will really be between the lowest valuation of 700,000 drachmas, and the full amount of 1,600,000, as eventually acknowledged in the Greek budget of the present year; and, whatever it is, Great Britain will require that a due proportion of that amount be placed at her disposal for the payment of her portion of the instalment in question.

"Such is the measure on the adoption of which Her Majesty's Government are prepared to insist, by way of providing for the payment of the interest of the loan on the 1st of March next; and this decision you will officially announce to the Greek Government. But it will be your duty to declare at the same time, that we shall not cease to urge and require the introduction of a system of rigid economy in the different branches of the service of the State, and especially in that of the War Department, which is still altogether disproportioned to the real wants of the State.

"You will inform the Greek Government that we shall still continue to insist on the necessity of administrative reform and a reduction of the armed force, as the Ministers of the guaranteeing Powers did by the last acts of their Conference of London in 1843.

"The Greek Government has not fulfilled these conditions in a manner to answer our just expectations. The expenses of the War Department continue to absorb one-third of the revenues of the State. Brigandage has increased. The tranquillity of the conterminous Turkish provinces has been repeatedly troubled by acts of rapine; and the Ottoman territory has been repeatedly violated by armed Greek bands.

"The guaranteeing Powers are justified in viewing this state of things as the evidence of a vicious administration, which must be remedied by prompt measures of improvement. Wherever disorders prevail, the finances of the State must suffer. But the dilapidation of the Greek finances throws an undue burthen upon the guaranteeing Powers. This, Great Britain, as one of those Powers, cannot and will not longer allow."

In another despatch of March 22, 1846, language not less strong was used respecting the administration of affairs in Greece, and the consequent measures that the British Government would feel itself compelled to adopt:—

"In a speech delivered on the 18th of February last, in the Chamber of Deputies, by the new Minister of Finance, then just appointed by the King at M. Coletti's recommendation, M. Poniropoulos is reported in the Greek journals to have declared, without receiving contradiction from any quarter, 'that the finances were entirely paralysed, and were plundered by every one; that he received no reports relative to the revenue; that he did not know the results of any financial operation; and that he was therefore unable to draw up any draft of a budget.' And M. Poniropoulos added, 'that everything was in the worst possible state, and that arbitrary measures, pillage, and gross ignorance were the distinguishing features of the present state of finances in Greece.'

"Such is the picture of the finances under the administration presided over by M. Coletti, publicly drawn by the Minister of Finance himself.

"Her Majesty's Government look upon the above declaration as entirely falsifying all notion of the exercise of a severe economy as asserted by M. Coletti, and consequently as completely justifying them in adhering to their determination of requiring the Greek Government to apply a certain portion of revenue to the service of the Greek loan for the half-year just fallen due, as well as to the instalments which will hereafter fall due. They must further observe, that if so disorderly an administration of Greek finance were suffered to continue, they would feel themselves compelled, by virtue of the treaty engagements contracted towards Great Britain by Greece, to take such further measures as might appear to be necessary for insuring the establishment of such a state of things as should afford a fair security to Great Britain that the sums which ought to be applied, and might be applied, annually to the service of the loan, should no longer be squandered by negligent or corrupt administrators, to the prejudice of British rights.—I am, &c.

(Signed) "ABERDEEN."

One other point there was in this correspondence which was worthy of notice. It had been said that England had no right to seek redress from Greece except in conjunction with the other Powers who were the parties to the creation of that kingdom. He denied that this was the case. England had a right to independent action whenever her rights and her honour were concerned; but as the noble Lord opposite had asserted, the right even in this instance of the loan, in which France and Russia were equally concerned, and equally guaranteed, it could hardly be denied in the present instance, when England's rights were alone affected. To establish this, he would read one extract more in the despatch of December 10, 1845, from the Earl of Aberdeen. After recapitulating the particulars of the payment he should require from the Greek Government, he says—

"If, in the month of March next, it should be found that the estimates of the Greek Government have been incorrect, and if in place of a surplus there were a deficit, Her Majesty's Government, either in conjunction with the other guaranteeing Powers, or alone, would be fully warranted in exercising with rigour the rights assured to her by the Convention of 1832."

To these declarations and to these acts of the noble Earl there was no protest or objection urged by either France, Russia, or Greece herself, so that we had a right to conclude that no just objection could be made to our proceedings on the present occasion.

He hoped he had established the justice of the demands upon Greece, and would next consider the means that were resorted to for the purpose of obtaining redress. If a nation demands redress for injuries done to its subjects, it would be unbecoming a great people to acquiesce in a determined refusal of justice. It must, therefore, be prepared to enforce its demands —as was done by France in Portugal, Mexico, Buenos Ayres, Tahiti, Morocco, and, lastly, at Naples in 1848; and as was done by England in Portugal, New Grenada, Naples, and China; and as was done by the noble Earl himself (the Earl of Aberdeen) in Central America and Peru in 1844, when demands were enforced by armed intervention, and redress obtained for injuries received.

It had been said, that we ought to have given notice of our intentions to Russia and to France. Was that necessary, or had it been the practice so to do under similar circumstances? As far as he could learn, this had never been considered requisite. Every country must be the guardian of its own honour, and judge of the proper course which it is its duty to pursue in vindication of its own rights. If, however, knowledge of our complaints against Greece was all that was required, it was manifest from the despatch of Count Nesselrode, that, in 1847, he at least was fully informed of our demands upon that country, and of our intentions of enforcing them. If, indeed, it was necessary, he might remind them of an occasion when Austria and Russia at least felt it to be their right to act without communication to other Powers, when they united to destroy the very existence of Cracow, which was created under the sanction of all the great Powers—parties to the Treaty of Vienna. On this much indeed might be said, but he would abstain, and would only observe, that it precluded those Courts from complaining that they had not been informed on the present occasion.

Having attempted to establish the justice of our course and right of separate action, he would next come to the mode of execution; and could not understand the complaint of our having sent so large a fleet to so insignificant country, as if it was unworthy of this country to exhibit a power so disproportionate to the object to be obtained. If it was to be done, it was best done effectually. To have sent a single ship, or two or three small vessels, might have invited resistance. In sending a large fleet, we showed that England was in earnest, and prevented the possibility of opposition or collision. As to the weakness of Greece, he must protest against the plea that its insignificance was to be its protection, and that the smallness of its power was to be deemed an excuse for its violation of the laws of nations, and a licence to commit injustice.

The next question that remained for consideration was our acceptance of the good offices of France; whether we had adhered to the principles we laid down in so accepting them; and whether that country had any right to complain that there had been any breach of promise or failure of consideration towards her in our renewal of the measures of coercion.

When the good offices of France were accepted, it must be remembered that if there was one point upon which, more than another, the greatest pains were taken to prevent the possibility of a doubt, it was, that the nature of the intervention and the extent of the good offices should be clearly defined—not arbitration—not mediation, but simple intervention of good offices. From the first moment after these limits were laid down, the French Minister complained of the narrow limits by which his *rôle* was confined; but still no deviation from the original terms was ever admitted by Lord Palmerston, and no just cause of complaint could be raised by the French Minister; and whatever misunderstanding has arisen, has proceeded from a wish to consider that more was committed to France than really was, or than any one, attentively examining the terms in which Lord Palmerston expressed himself, would think themselves justified in ascribing to them.

With respect to the resumption of measures of coercion, it was clear that M. Lahitte was not satisfied with the position in which that question was left, nor with the understanding which existed on the subject after the explanations in London; but still there was no just ground of complaint against the conduct of the British Government, which maintained the position it had taken from the first.

Coercion was to be renewed whenever M. Gros declared that he no longer expected to settle the affair by the instrumentality of his good offices. If he had to refer home, and to suspend the exercise of his mediatorial functions, his mission was at an end; and when he communicated to the French Government and to Mr. Wyse that he had suspended all action, and refused even to convey a proposition of Mr. Wyse to the Greek Government, his mission had terminated by his own act. If it had not ceased, why should he have refused even to transmit a proposition of Mr. Wyse's, which admitted that all points on which there was a difference of opinion between the two negotiators should be referred to their Governments at home for decision, and only required that a sum of money (180,000 drachmas) should be deposited in liquidation of those claims upon which they were already agreed. It cannot be permitted that a negotiator should play fast and loose, and say I have not abandoned my *rôle* of mediator; and in the same breath refuse to perform any function of a mediator, even of the simple character of transmitting a proposition for acceptance or rejection.

He had thus endeavoured to show that the demands upon Greece were just in their origin—that the continued refusal to grant redress made it the right and duty of England to resort to such measures as usage and the law of nations prescribed for the purpose of vindicating her honour, and seeing justice done to her injured subjects—and that Her Majesty's Government had gladly availed itself of the offer of the good offices of France to induce the Greek Government to yield to their just demands, and that only when these failed they had been again obliged to have recourse to a renewal of coercive measures, which had finally obtained the redress that had been demanded.

He had limited his observations to affairs with Greece, to which the question before the House immediately related; but he could not sit down without noticing the reiterated and unfair attacks which had been made upon his noble Friend the Secretary of State for Foreign Affairs for his general conduct and general policy; and he did so the more, as by some strange fatality these attacks were invariably made upon that noble individual behind his back, in a place where he could not be present to defend himself. He was accused of being quarrelsome and pugnacious, the friend of revolutionists and the disturbers of the peace of Europe; yet, strange to say, though this dangerous firebrand had now directed the foreign policy of this country for more than fifteen years during periods of unexampled difficulties, and during two European revolutions, the peace of Europe had been maintained and the honour and interests of England, preserved inviolate; and he would say this, that whatever danger there might have been at any period during the last twenty years of that peace being disturbed, it had never been greater than under the pacific administration of the noble Earl opposite (the Earl of Aberdeen), whose concessions did not prevent our interests being attacked and our honour assailed at Tahiti, till concessions having reached their utmost limits, the boundaries between peace and war were all but overstepped, and the two great Powers of England and of France in the most imminent danger of being involved in fierce hostilities. Time, however, which places her seal of approbation or condemnation on the acts of all men, would, he felt confident, do justice to his noble Friend, and would show that, so far from having endangered the peace of Europe, he had been its truest friend; that by recommending wise and timely reformations in the ancient institutions of Europe, he had done what was best to preserve what was really valuable in their existence; that a policy of concession was not always a policy of peace; and that though on the one hand he had never sacrificed the rights of even the meanest subject of the Crown of England, he had never attempted to require from other Powers more than justice entitled him to demand; and whatever might be the judgment of that House, he left the verdict with confidence in the hands of his countrymen.

The EARL of HARDWICKE explained that the fleet under the command of Admiral Parker entered the Dardanelles through stress of weather, and from no other cause.

LORD BROUGHAM said, that from accidental circumstances he had not had an opportunity of reading the voluminous blue books which had been quoted from so copiously that evening. But if he had gone through them, it would seem that he would have been as slightly acquainted with their contents as he was at that moment; for no sooner did any one of his friends who had carefully read these papers make a statement founded on them, than he was immediately contradicted by noble Lords opposite. Being in this state of ignorance he had listened most attentively to the very interesting and very important discussion; and it was from what he had heard so ably stated on one side, and so ably replied to on the other, that he had to form his judgment. He took but a very short view of this case; but it was the view which he believed was taken of it by 99 persons out of every 100 throughout the country at large. They did not care which was right or which was wrong, the Greek Government or the English Government. They did not enter into the claims of Mr. Finlay, a most able, most learned, and most respectable man; or of M. Pacifico, of whom he had never heard it predicated that he was most able, except in taking care of his own interest, or most learned, except in the art of making accounts, or most respectable in any point of view whatever. Nobody cared about the merits of these claims, or who was right or who was wrong. But this they said, that, as it was commonly observed he must be a person fitter for Bethlehem Hospital than any other part of the world who would go into the Court of Chancery for a sum so little as 100*l.*, how much more fitted for Bethlehem would they be who would rush into the Court of Chancery for a thing not worth one farthing? For the whole of this matter in dispute—except as a question of abstract right—which was to involve England, Russia, France, and the half of Europe in war, was absolutely the most insignificant he had ever heard of as a cause of quarrel between any two nations of which history made any mention. He thought that their Lordships would do well, in the present state of European affairs, would act wisely for their own credit, and justly towards their own characters and the character of their public policy, if they rescued themselves by a vote of that House from being supposed to be parties to those negotiations—to these proceedings rather—for no principle was involved which entitled them to be designated negotiations. He admitted that, however trifling the right might be, every country was perfectly justified in asserting that right. No nation was to be required to submit to be wronged; no nation was to be called upon to submit to be insulted. Her rights were to be carefully guarded by the powers of the Government, even though the infraction of those rights might be of comparatively trivial importance. But we must be very sure that we had right on our side; and we must be very careful how we interfered to assert and maintain that right. He entirely dissented from the law of nations as it had been laid down by some noble Lords. He utterly denied that any nation had a right to go to war with any other nation, or to resort to the ultimate remedy with any other nation, merely to enforce a claim made by any subject, or any subjects, of that nation. He denied that even a popular tumult, a riot at Naples for instance, in which French subjects were injured, gave any title whatever to France to demand satisfaction from the Government of Naples. He denied that mere injury to the property or even to the person of an individual residing voluntarily in a foreign country, gave any right to the Government of which the injured individual was a subject, to demand redress. A claim to compensation never could be made against the Government of a foreign State for injury to property, unless such Government had been a party to the injury. It was frightful to think to what an extent dissensions might be created, and wars might be waged, if such a principle were admitted. They had been told that a Government had a right to interfere if any wrong was done to one of its subjects residing in a foreign State, the Government of which State had not the will or the power to prevent such injury. But, if that principle was admitted, the United States of America would be surrounded by wars just as they were surrounded by neighbours, for each creditor of a repudiating State might claim the aid of his own Government. He utterly denied that an outrage committed by a few persons, not connected with the Government, gave the right to claim compensation. Then there was another matter—the mode and manner of applying for compensation where compensation was due. They might have a very good right to call for explanation from a foreign Power—to say, "We protest against such an act; we hold you answerable for it; we call upon you to clear and defend your conduct, and to give compensation;" but it was a very different thing to say, "We have a right to reprisal," for the exercise of that right could only be justified when the Government had been an accomplice, and a wilful accomplice, in the wrong. He hoped that, for the sake of the interests of this country, their Lordships would, through the medium of their decision to-night, shake themselves loose from all responsibility for the late conduct of the Secretary for Foreign Affairs. He said this with the greatest respect for his noble Friend and former Colleague (Lord Palmerston). He (Lord Brougham) knew that his noble Friend had been assailed elsewhere, and especially abroad, in a manner utterly inconsistent with all justice; and with facts within his (Lord Brougham's) own knowledge respecting the noble Lord's constant and deliberate opinions, and his strong feeling in favour of preserving peace. He (Lord Brougham) had heard with indignation the assertion made in France again and again, that his noble Friend was an enemy of the peace between the two countries; while he verily believed there was no man in England who was more anxious to maintain peace and to perpetuate peace than the noble Lord. Some seven or eight years ago an able and learned person asked his (Lord Brougham's) permission to be allowed to dedicate a book to him; but he (Lord Brougham), because it appeared from the title and the preface that that book contained statements of his noble Friend's hostility to France, refused the request, unless the author would also print his letter, protesting in Lord Palmerston's behalf. Although he (Lord Brougham) disapproved the policy of his noble Friend, no one was more ready than himself to render ample justice to the great ability and integrity of the noble Lord. He felt bound to give his vote in favour of the Motion.

On Question, their Lordships divided:—Contents: Present 113; Proxies 56; Total 169. Non-Contents: Present 77; Proxies 55; Total 132: Majority 37.

List of the CONTENTS.

DUKES.
Buccleuch
Buckingham
Cleveland
Northumberland
Richmond
MARQUESSES.
Camden
Downshire
Drogheda
Ely
Exeter
Hertford
Huntley
Londonderry
Salisbury
Westmeath
Winchester
Waterford
EARLS.
Aberdeen
Abergavenny
Abingdon
Aylesford
Bandon
Beverley
Brooke and Warwick
Cadogan
Clanwilliam
Cardigan
Cawdor
Darnley
Delawarr
Denbigh
Desart
Ellenborough
Eglinton
Egmont
Falmouth
Galloway
Glengall
Hardwicke
Haddington
Harewood
Harrowby
Home
Jersey
Kinnoull
Lanesborough
Lonsdale
Lucan
Macclesfield
Malmesbury
Mansfield
Manvers
Morton
Mountcashell
Nelson
Orkney
Romney
Rosse
Sheffield
Selkirk
Stradbroke
Talbot
Verulam
Wilton
VISCOUNTS.
Canning
Canterbury
Combermere
Hereford
Hill
Midleton
Strangford
Sidmouth
Sydney
BISHOPS.
Bangor
Chichester
Gloucester and Bristol
Oxford
BARONS.
Abinger
Ashburton
Bayning
Blayney
Boston
Braybrooke
Brougham
Colchester
Clarina
Delamere
De Lisle and Dudley
De Ros
De Tabley
Douglas
Farnham
Feversham
Forester
Gardner
Grantley
Heytesbury
Kenyon
Lyttelton
Polwarth
Rayleigh
Redesdale
Sandys
Sondes
Southampton
Skelmersdale
Stanley
Templemore
Tenterden
Walsingham
Wharncliffe
Wynford

Proxies.

DUKES.
Newcastle
Montrose
Manchester
Marlborough
MARQUESS.
Ailesbury
EARLS.
Buckinghamshire
Courtoun
Crawford and Balcarres
Dartmouth
Castlemaine
Cathcart
Eldon
Howe
Digby
Seafield
Stanhope
Ranfurly
Pembroke
Clare
Rivers
Guilford
Ferrers
Shannon
Sandwich
Levin
Tankerville
Onslow
Stamford
Poulett
Winchilsea
Rosslyn
VISCOUNTS.
Beresford
Doneraile
Melville
Strathallan
Hawarden
BISHOPS.
Carlisle
Exeter
Bath and Wells
BARONS.
Berwick
Bexley
Bagot
Crofton
Clinton
Hastings
Lyndhurst
Northwick
Clonbrook
Rodney
Hawke
De Saumarez
Saltoun
Sinclair
Gray
Kilmaine
Middleton

List of the NOT-CONTENTS.

ARCHBISHOP.
York
DUKES.
Leinster
Norfolk
MARQUESSES.
Anglesea
Breadalbane
Conyngham
Donegal
Headfort
Lansdowne
Westminster
EARLS.
Besborough
Carlisle
Chichester
Cowper
Craven
Effingham
Fingall
Fitzwilliam

Gosford
Granville
Grey
Ilchester
Leicester
Leitrim
Minto
Morley
Oxford
Scarborough
Spencer
Strafford
Suffolk
Uxbridge
Waldegrave
Yarborough.
Zetland

VISCOUNT.

Clifden

BISHOPS.

Chester
Down
Limerick
Manchester
Norwich
St. Asaph

BARONS.

Alvanley
Beaumont
Byron
Camoys
Campbell
Colborne
Crewe
Cremorne
Churchill
De Mauley
Dunally
Dufferin
Eddisbury
Elphinstone
Erskine
Foley
Holland
Howden
Hatherton
Howard de Walden
Kinnaird
Langdale
Lovat
Londesborough
Methuen
Milford
Overstone
Poltimore
Say and Sele
Sudeley
Vivian
Ward
Wodehouse
Wrottesley

Proxies.

ARCHBISHOP.

Canterbury

DUKES.

Devonshire
Hamilton
Roxburgh
Somerset
Sutherland

MARQUESSES.

Bristol
Clanricarde
Normanby
Sligo

EARLS.

Burlington
Bruce
Charlemont
Clarendon
Cork
Cottenham
Derby
Ducie
Erroll
Essex
Fortescue
Gainsborough
Kenmare
Kingston
Kintore
Lindsay
Lismore
Radnor

VISCOUNTS.

Bolingbroke
Falkland

BISHOPS.

Peterborough
Hereford

BARONS.

Abercromby
Auckland
Carew
Cloncurry
Cowley
Dacre
Denman
Dinorben
Dorchester
Dunfermline
Keane
Monson
Montfort
Mostyn
Oriel
Portman
Rossmore
Stanley of Alderley
Stafford
Stourton
Suffield
Vaux
Vernon

Paired off.

Duke of Bedford	Lord St. John
Lord Leigh	Earl Somers
Lord Stuart de Decies	Earl of Erne
Lord Belhaven	Earl of Lauderdale
Duke of Grafton	Earl Airlie
Lord De Freyne	Earl of Longford
Earl Cornwallis	Earl Brownlow
Earl Rosebery	Earl of Orford
Bishop of Durham	Marquess of Ailsa
Lord Dormer	Duke of Beaufort
Earl of Camperdown	Lord Sherborne
Lord Lilford	Earl of Munster
Earl Powis	Earl Pomfret
Earl of Devon	Viscount St. Vincent
Lord Arundel	Lord Willoughby De Eresby
Duke of Leeds	Earl Bathurst
Earl Sefton	Lord Downes
Earl of Shrewsbury	Earl Beauchamp
Bishop of Worcester	Bishop of Rochester
Earl Fitzhardinge	Viscount Exmouth

Resolved in the *Affirmative.*
House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 17, 1850.

MINUTES.] PUBLIC BILLS.—1^a Home Made Spirits in Bond.

2^a Lord Lieutenancy Abolition (Ireland) Administration of Criminal Justice Improvement.

Reported.—General Board of Health.

ADDRESSES TO HER MAJESTY.

LORD J. RUSSELL: Sir, there is a subject to which the House will perhaps allow me to call its attention, although I do not at present intend to give any notice of Motion with regard to it. It is a subject worthy of the attention of this House; and if I find that there is a general opinion in the House in conformity with what I have to state, I shall certainly propose some alterations in our orders with respect to it. I allude to the manner in which addresses from this House to the Crown are agreed upon. The House is aware that on any subject that requires to be legislated upon, whether it be a question of finance or a subject of general legislation, the House has an opportunity of considering and deciding upon that subject on more than one occasion; so that if any resolution of the House with regard to it does not appear to have the consent of the majority in its favour, the House can afterwards, at a subsequent stage of the proposition, reverse its proceedings. Now, with respect to addresses to the Crown, the case, it is well known, is entirely different; because when an address is moved, and has once been carried, it is immediately ordered that certain Members of the House shall present that address to Her Majesty. The consequence is that the advisers of the Crown must either advise the Crown to comply immediately with that address, or should they advise the Crown not to comply, it tends certainly to a breach between the House of Commons and the Crown, which it is desirable to avoid except on very grave occasions. Of course Her Majesty's advisers can advise Her Majesty not to comply with the address; but they are not very likely to do that. It seems to me, therefore, that it would be advisable, in order to place addresses to the Crown on the same footing as other proceedings of this House, that we should pursue the course with regard to any such address, whenever it is proposed, which we should pursue with respect to addresses to the Crown in answer to the Queen's Speech on the first day of the Session. In that case, when an address is agreed to in this House, it is moved that it be referred to a Select Committee to make a report on the following day, and that report is then taken into consideration. This course, therefore, gives the House another opportunity of discussing and reconsidering the question. As I have said, I will not give a notice of Motion on this subject; but I wish hon. Gentlemen to consider whether by general agreement—for I do not expect a contest on such a point—we may not make some alteration in the Orders of this House to the effect which I have now stated.

LORD LIEUTENANCY ABOLITION (IRELAND) BILL.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [10th June], " That the Bill be now read a Second Time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words " upon this day six months."

Question again proposed, " That the word 'now' stand part of the Question."

Debate resumed.

Mr. C. ANSTEY said, that, although he approved of the principle of the abolition of the vain and idle pageantry called the Viceroyalty of Ireland, he was not prepared to extend one inch further the principle of centralisation. He approved of the first five clauses of the Bill, but he would not support its further progress if the noble Lord was determined to abide by the machinery which it was the object of the concluding clauses to substitute for the present system. This Bill was called the Lord Lieutenancy Abolition Bill, and if it stopped there he should say he would have no objection to it. But the most important part of the Bill was kept out of sight—he meant the appointment of a fourth Secretary of State. He objected to all that related to that appointment, and, consequently, on that ground he was prepared to opposed the second reading of the Bill. By way of making his position clear, he begged to refer to Schedules " A," " B," and " C," in which were enumerated Acts of Parliament by which the power at present exercised by the Lord Lieutenant, with or without the advice of the Privy Council, were proposed to be confided to other hands. Schedules "A" and " B" proposed, the former to transfer the powers to the Privy Council of Ireland alone, and the latter to transfer certain powers therein named to the Privy Council of Ireland. The Privy Council of Ireland, like that of England, though the chief council for purposes of State, he regretted to say, was never summoned unless on holyday occasions, its duties having been usurped by the Cabinet Council, a body unknown to the common law. When he came to Schedule " C," he found the powers of no less than twenty-seven Acts of Parliament—some of them Acts of the Irish Parliament—proposed to be taken away by that Schedule, as well as by Clause 11, to which it related; and these powers to be taken from the Privy Council of Ireland, and vested in the hands of one Secretary of State, whether at present existing, or hereafter to be appointed by Her Majesty, and resident in London. It was further proposed to give this Minister the power of destroying whatever remnant of commerce remained in Ireland, by creating a quarantine, which they already knew, by the reports of their commissioners, to have had a most injurious effect on the commerce of any port where they had been established. They never were effectual for the purpose of accomplishing that which they were aimed at; but they were singularly effectual for the purpose of destroying commerce. In this country, namely, in England, Scotland, and Wales, a quarantine could not be proclaimed unless by an order of the Queen in Council; but in Ireland the merchants would be dependent for the continuance of their commerce on the whim or caprice of the Secretary of the day. He further found that, in the department of law and justice, the Bill proposed to give the Secretary power to alter the time and place at which assizes, sessions of the peace, civil-bill sessions, and the like, were to be held, such as the Lord Lieutenant in Council possessed at present. Whilst, as regarded the constabulary—that standing army not voted annually by that House—

if report could be believed, it was intended to convert thsm into a sort of *garde mobile;* and, though originally intended to be a purely local force, they would in future be subject to be drafted in sections or bodies to any part of the kingdom—a power which was heretofore confined to the Lord Lieutenant by the advice of the Privy Council. Again, there was the periodical valuation of Ireland, on which valuation taxes and rates were assessed. That valuation was to take place every fourteen years; and the commissioners, valuators, and other members composing the machinery that carried out the Act, were appointed by the Lord Lieutenant, who, in Council, had the power to make certain alterations or changes, for the purposes of relieving properties of certain amount from undue burdens resulting from taxation. But now it was proposed to transfer these powers to an almost irresponsible and totally non-resident functionary. That did not show a disposition to govern Ireland for the Irish, which, in his opinion, could never be accomplished save by discountenancing jobbery, and allowing a local executive. Every step taken was in the wrong direction; and, unless he received full and thorough satisfaction on the points which he had raised, he was ready to vote against the Bill. Ever since the legislative Union Ireland had been undergoing a progressive decline, and during the whole of that time there had been a Lord Lieutenant. The present Viceroyalty was a most contemptible one, its powers being more circumscribed than those of the municipalities. They would do well to abolish it. But for what purpose? For the purpose of replacing it by a reality—by something having a useful operation, and accessible to the whole population of Ireland. The Executive Government of Ireland ought to be strictly local, and it was because it was not so that the legislation of that country was all vicious. All the present evils had grown up under a system of centralisation, and yet it was now proposed to make that system still more absolute. Unless he received most satisfactory assurance that the Minister to be armed with the new powers would be bound to reside in Ireland, except when attending to his duties in Parliament, he should oppose the further progress of the Bill.

Sir R. PEEL: Sir, considering that this Bill is brought forward by Her Majesty's Government, and that the undoubted object of it is to promote the good government of Ireland, it is entitled on these accounts to at least the most respectful consideration of this House. I consider the main question to be, will the arrangement proposed by the Bill conduce to the good and satisfactory government of Ireland? All other considerations are, I apprehend, subordinate to that. The withdrawal of the Lord Lieutenant from Ireland may or may not affect some local and partial interests, but still, if the result of the measure shall be to promote the end of good government in Ireland, all other considerations of partial and local injury are in my opinion to be regarded as subordinate. I wish I could see with the same confidence with which some Gentlemen see the unequivocal advantages of this Bill; but I own that, while upon the whole I am perfectly willing to consent that the experiment should be made, I am bound, in giving that consent, to say that I do so with much hesitation and doubt as to the advantages which, in the estimation of many Gentlemen, are likely to result from it. Of this I am confident, that if you are to have local authorities who, without the responsibility of the Lord Lieutenant, will assume the executive functions of Government, Ireland will derive no advantage whatever from the measure. I am quite aware of the difficulties which men, even of high character and great acquirements, have in administering the government of Ireland; but these difficulties are not, I apprehend, so much felt on account either of their personal qualities or on account of the constitution of the office of Lord Lieutenant itself, as on account of difficulties inherent in the state of society in Ireland; which difficulties will, to a very considerable extent, continue to operate, even if this office is removed. I feel that there are some difficulties inherent in the constitution as regards this matter. When there was a local Parliament in Ireland, the relation of the Chief Secretary to the Lord Lieutenant was a national and constitutional relation. The Chief Secretary was then in immediate connexion with the Lord Lieutenant. He stood in a subordinate capacity; all he did emanated from the authority of the Lord Lieutenant, and his relation to him corresponded in all material respects to the relation in which a Minister of State ordinarily stands with reference to the Crown. When you abolished the local legislature, and transferred the Secretary's Parliamentary functions to this side of the water, you altered materially the relations between the two parties. You put the office of Secretary aside from that of the Lord Lieutenant; you made him a Minister responsible for the administration of justice in Ireland—a Minister necessarily possessing great power, and exercising that power sometimes without communication with his chief, however desirous he might be of doing so. You thus placed him in a position in which it was very difficult for any man with the very best intentions to carry on the public business without the risk of occasional embarrassment. I speak from experience as to the difficulties that have resulted from the position in which the Chief Secretary stands with regard to the Lord Lieutenant. At the same time, what may be the effect of removing from Dublin the authority of a nobleman of such high acquirements as the nobleman now administering the functions of Lord Lieutenant in Ireland, and what encouragement it may give to the revival of local agitation and to the struggles of party, I cannot pretend to predict; but I certainly do not view without apprehension the risk that if you are to have a local Commander-in-chief, a local Lord Chancellor, a separate bar, and altogether a separate administration of justice, the removal of an authority like that of the Lord Lieutenant — acting independently, animated by a sincere desire to promote the welfare of the people, free from all local prejudices, and from all personal partialities—may be attended with an injurious effect. You have attempted to counteract and to remedy the difficulty that arises from this peculiar relation to the Lord Lieutenant by giving to the Secretary for Ireland necessary additional powers. You have occasionally found it necessary, or considered it necessary, to give to the Chief Secretary the authority of a Cabinet Minister. That I conceive to be a most clumsy device for remedying a difficulty inherent in the constitution. It is a device not only disturbing the relations of a chief to his subordinate, but one positively inverting those relations. When you give to the Chief Secretary all the authority of a Cabinet Minister, and leave the Lord Lieutenant without that authority, you encourage the Chief Secretary still more to assume for himself the exercise of independent powers. On that ground alone, then, from the difficulties that are experienced in maintaining the relations between these two authorities—there being at the same time grave objections to the remedy occasionally employed, that of conferring the dignity of a Cabinet Minister on the Secretary—it is, in short, from a reference to the difficulties inherent in the constitution, and the employment of that occasional remedy, that I am inclined favourably to receive the proposal for an alteration in these arrangements. I am bound, also, to admit that the increased facilities of communication between the two countries gives increased means of conducting the Government of Ireland without the intervention of a Lord Lieutenant; and probably no period could be better selected than the present for making that experiment. But, then, I must say that that which will best reconcile me to the working of the experiment will be that you have unity of system in the form of government which you are to substitute. I did express strong doubts—not in 1846, as the hon. and gallant Member for Portarlington stated the other night—but in 1844—I then stated the apprehensions which I felt as to the result of the appointment of a fourth Secretary of State for the administration of Irish affairs; and I am bound to say that those apprehensions have continued till now. The advantages compensating for other risks and inconveniences are, in my opinion, a system of unity—a system of unity of legislation, so far as legislation can be uniform respecting two countries like England and Ireland, and unity in the way of appointing one man to administer the whole affairs of the Secretary of State. If you have two Secretaries of State for exercising the same, or nearly the same, duties, the question must arise, whether you are not forfeiting a great part of the advantage you hope to obtain from the extinction of the high office of Lord Lieutenant. You are, in fact, by this proposal, receding from the principle on which you acted in 1816. In that year you found the advantage of consolidating the two Exchequers, and you resolved that the financial arrangements of the two countries would be better carried on by abolishing entirely the office of Irish Chancellor of the Exchequer, and vesting the whole functions of the office in the English Chancellor of the Exchequer. Every argument that could apply to that case will be equally applicable to the administration of justice and the exercise of the executive functions. If you are to have two Secretaries of State, I earnestly entreat you to consider the nature of such an arrangement as this—to put Wales and Scotland under one of them, and England and Ireland under the other. [*Laughter.*] You laugh at the idea of such an arrangement, but there is no reason why you should laugh at a proposal of that kind any more than at a proposal for giving one Secretary to Ireland, and another Secretary for the rest of the kingdom. There might be good reason for separating Scotland from England in this respect, for there a separate system of law and administration exists; but I really do think that it would be a better arrangement to have Wales and Scotland under one Secretary, and England and Ireland under another, than to make the distinction you propose by this Bill. If you are to have an officer residing in England, and occasionally perhaps in Ireland, with all the authority of the Lord Lieutenant, then I must say I foresee more chances of differences of opinion with regard to the administration of affairs in Ireland than at present exist. If the times be tranquil, and no danger of popular commotion arise, then the Irish Secretary of State may very easily administer the affairs of the Government so far as the employment of the soldiery in connexion with the civil power is concerned; but suppose there may be serious troubles in Scotland, and disturbances also in England and Wales, and at the same time popular outbreaks in Ireland, will it not be of the highest advantage to have one civil officer who has to communicate with the Commander of the Forces in order effectually to suppress the outrages that have arisen—to have one man ready to deal with the exigencies of every part of the empire, than to have two men both responsible for the maintenance of the public peace, and holding, it may be, different and conflicting views on a matter of such importance as the restoration of the public peace through the application of military force? But when you say the Secretary of State is overwhelmed with public business, and that it is necessary to appoint an additional Secretary, my experience rather tends to show that the conflict of power and of co-equal authority adds to the difficulty of disposing of public business. If I am to take no step, to direct no regiment to be sent to Wales without communicating with my brother Secretary. who is pressing also at the same time for that same regiment to be sent elsewhere. you give me no relief in the execution of my functions; because before I give my order I must have the assent of another man, possessed of the same responsibility as myself, and wishing to have the same assistance. Now, with respect to unity of legislation. We all know that it is of the utmost advantage that our Irish legislation should, as nearly as possible, conform in principle and in details with our legislation for England. It is easy to say that; but when we come to the practical application of the principle, how many difficulties do we not find in the way? Must the one Secretary, before he proceeds to legislate, hold frequent communications with his brother Secretary on those points that are to form the groundwork of proceeding for that part of the kingdom under his jurisdiction? If, on the other hand, there is to be no such communication—if one is to legislate for Ireland, and the other for the rest of the empire, without communication, then you undergo the risk of causing such material differences as must disturb the harmony of the whole. I assume there will be communication between the Secretaries; and I only say, that however pressing the amount of business might be, I would rather be responsible for the whole of the legislation of the country than for all the unsatisfactory details which would be inevitable under such a system. With respect to the administration of criminal justice in Ireland, if there be a separate Secretary of State for that country, what will be the consequence? There will be communications carried on by the Judges and by the Attorney General and Solicitor General with the Secretary of State, and thus you will be keeping up a distinction in the Irish administration of justice which it is your object to avoid. Whereas, if there were but one Secretary of State for the united empire, who should be responsible for the advice given to the Crown in respect to the exercise of the prerogative of mercy for all parts of the united kingdom, my opinion is, that the burden it would cast on the shoulders of that one Secretary would not be more onerous than it is at present, while the satisfaction it would give would be much greater, from the conviction which the people of Ireland would feel that the same principle in the administration of the law, and in the exercise of the prerogative of mercy, was applied to all parts of the kingdom. I do not wish to deny the fact as to the extent of the business which presses upon the Ministers; and there is no effort I would not make to relieve the Secretary of State for the Home Department from many of the functions which he now performs, in order to make him responsible for the administration of the criminal law both in England and in Ireland. For instance, if it be true that the superintending the administration of the criminal law be too heavy a duty for the Secretary of State to perform, why not, if you are going to alter the constitution of the office of Lord Chancellor, by appointing two Judges to discharge the duties which the Lord Chancellor now performs—why not transfer the administration of the details of criminal justice to those new officers, in order that the Secretary of State might be able to apply his undivided attention to legislation for the united empire, and to the duties of the Executive Government? Depend upon it, if you make the change proposed by this Bill, what you will want in Ireland will be the moral influence of a man of the highest authority. I consider that authority will be much higher if it be exercised by the Secretary of State for the Home Department, possessed of all the authority which the Crown can confer upon him for the administration of the whole connected affairs of the united empire. That authority will be much greater than if you constitute a distinct Secretary of State for administering those separate functions in one part only of the united kingdom. But I do not at present understand how it is proposed that the Secretary of State is to discharge his duties. Is he to be resident in Ireland during that period of the year when his Parliamentary duties may not require his presence in England? and, if he be resident in Ireland, will he have full power, which a Secretary of State ought to have in times of emergency, of acting, not only with formal authority, but with a known, patent, and unquestioned authority, which free access to the Sovereign necessarily confers? Will he be enabled to suggest the Queen's command as the ground for those acts of authority he may at any time exercise? But, if he be resident in Ireland, I don't see why the objection which has been made to the applications that are frequently forwarded by the magistrates of Ireland to the Lord Lieutenant for advice in the execution of their magisterial duties, should not be equally applicable to the case of the Secretary of State, to whom, no doubt, the magistrate would be as ready to apply for advice as to the Lord Lieutenant. If, however, the new Secretary of State is to reside in this country, then I do not see why you should not make the experiment you are now about to make, by calling upon the present Secretary of State for the Home Department to perform these united functions. I recollect, during the late war, that all the functions, and the whole of the administration of colonial and foreign affairs, were performed by one Secretary of State. If the right hon. Gentleman who now holds the office of Secretary for the Home Department would only say "I will undertake to perform the Irish as well as the English affairs, only give me a proper number of subordinates," my opinion is he would find it perfectly practicable to accomplish the object desired. If he would take upon himself the sole control over the administration of criminal justice, and over the legislation of that branch of the Government, he may depend upon it he would not have a greater demand upon his time than he would have if he were united with an Irish colleague who would be constantly telling him, what all Irish Members were ever telling us, that Englishmen knew nothing about Ireland; that no Englishman is at all fit to govern that country. It is true when Irishmen came over here they heard Englishman talk of certain principles of justice and of equity, and so forth; but still no Englishman could understand the mystery of Irish society. This Irish Secretary would no doubt be followed by many of his Irish friends in this House; and the right hon, Gentleman would soon find the Irish Secretary, co-ordinate and co-equal with himself, a very disagreeable colleague, and one not likely to relieve him from the burden of any portion of that business, the discharge of which was the cause of great anxiety and uneasiness of mind to him on whom the responsibility of that department of the Executive Government devolved. I therefore most honestly and earnestly advise the right hon. Gentleman to take the administration of those functions upon himself, even though he should have another 10th of April to contend with. For it is of importance that the same mind which has to guard against any dangers that may threaten this metropolis, should be equally called upon to take into consideration whether similar arrangements would be necessary in the event of the city of Dublin, or any other part of the United Kingdom, being in danger of having its peace disturbed. A command of time, and less of change, a unity of system, and a prospect of inspiring confidence, besides the facilities for conducting a joint administration of affairs, are in my opinion advantages infinitely more likely to be enjoyed if the functions of this department are exercised by one Secretary of State, than if the duties should be performed by two. I wish to destroy the impression which appears always to rest in the minds of Irish Gentlemen, that it is necessary for them constantly to refer to Government for advice. I wish them also to see that the proposal for transferring a portion of the authority now held by the Lord Lieutenant to the municipal corporations, would not at all solve the difficulty. It may be quite right, for aught I know, to transfer some of those powers to the corporations; and considering that the successful result of the exercise of the municipal authority in the city of Dublin has been so great, it may be the opinion of hon. Gentlemen that by increasing their powers, we should be increasing the benefits arising from their exercise. Still I do not apprehend that any increased powers given to the municipalities of Ireland would solve the difficulty created by taking away the government of the Lord Lieutenant. Let the corporations have additional powers, if it be necessary, but that is a separate question altogether; and let it therefore stand upon its own independent merits. Giving increased authority to the municipalities will not assist either one Secretary or two Secretaries in determining the principles of legislation, or aid them in conducting the ordinary affairs of Government. I do not, however, view with complete freedom from uneasiness and anxiety the change you are contemplating. I will not stop to consider some questions which have been suggested in the course of the debate; but this I will say, that if you think the city of Dublin is likely to be injuriously affected by the loss of the Lord Lieutenant, I am of opinion that we shall be bound to consider, equitably and liberally, the claim which Dublin may have for compensation. I do not mean a claim in the shape of a grant, but a general claim; without pretending precisely to say what pecuniary compensation it should be. I do not entirely agree with the noble Lord in the opinion that all the sums which have hitherto been spent in Dublin would henceforth return to the different localities and be expended there. I am rather afraid that a single Court with increased splendour—for the splendour of the British Court, splendid as it now is, would undoubtedly be increased, and would be adorned by Irish gentlemen and Irish ladies—would have a tendency to increase absenteeism; and that it would not be to the counties of Ireland that the benefit would accrue, but rather to England, by a concentration of society in this country. However, I am prepared to incur that risk; but that which I shall ask as a compensation for the risk I am willing to incur is that we shall so make our arrangements for the legislation and government of Ireland as shall insure as much uniformity and as much unity as it is possible for legislation to effect.

Mr. E. B. ROCHE said, that upon the first occasion when the noble Lord the First Lord of the Treasury introduced this measure, he thought it worth his while, in order to get rid of the main objection to the Bill, to state authoritatively, on the part of the Government, that there was no intention, either now or hereafter, to remove the courts of law from Ireland. He had no doubt that that was a genuine pledge on the part of the noble Lord, and he was sure that it would be kept; but he would ask, had they any reason to be so certain that those who in the natural course of events may succeed the noble Lord would not be prepared to sweep away the courts of law in Dublin, and transfer the legal adjudication to London, for the purpose of centralisation? He thought that the speech of the right hon. Gentleman the Member for Tamworth showed them that at any rate there was one man in this country who would be prepared, when in power, not only to give them what he was pleased to call identity of law, but to sweep away every remnant of local power in Ireland, and to destroy all her national institutions. The right hon. Baronet would allow him to state that in the minds of the people of Ireland there was a great difference between equality of justice and identity of laws. The circumstances of that country were different from those of England, the people and their feelings were different, and a law which may be good in England may be exceedingly bad in Ireland. Therefore he insisted that when the right hon. Gentleman held out as an inducement to them to support this Bill, that the result of it would be that by centering everything in this country they would have an uniformity of government and an identity of law, they would by adopting such a course be inflicting a great injury instead of conferring a benefit on the people of Ireland. He confessed that he was surprised to hear the speech of the right hon. Baronet. He listened to everything that came from him with great deference and the utmost attention, and he was aware that everything which he said was listened to with the same deference and attention by the people of Ireland; and he (Mr. Roche) must declare that if ever there was a speech calculated to revive the cry of a repeal of the Union, it was that great centralisation speech which they had just heard from the right hon. Gentleman. Would the right hon. Gentleman let it go to the bar of Ireland—that body which had on all occasions been a credit to that country, and the only stronghold of nationality—that he thought that this Bill did not go far enough in point of fact, as it still maintained in Ireland a separate bar and a separate Lord Chancellor. That was the only conclusion that he (Mr. Roche) could draw from the right hon. Gentleman's speech, and he thought that it was one which went as determinedly against the Bill as any speech could possibly do. The right hon. Baronet said that this Bill was an experiment, and stated that Irishmen always fancied that they monopolised all knowledge of Ireland. He (Mr. Roche) felt that if this Bill was an experiment, it was a most dangerous one. He would pass over the sneer with which the right hon. Gentleman had alluded to their corporate bodies in Ireland, and the extreme and punctilious diligence with which he picked out some of the transactions of the corporation of Dublin. The right hon. Gentleman then said that it was not now a matter of consideration whether they were to have local authority or not; that the question was whether they would have an uniformity of government, or have separate Secretaries of State for England, Wales, Scotland, and Ireland. He (Mr. Roche) was not there, though opposing the Bill, to vindicate the present state of the government of Ireland, nor was he there to accuse the Government of trying to ruin and destroy Dublin by introducing this Bill. He was not there to vindicate the conduct of the Lord Lieutenant in Ireland; but he was there to warn the House against making a change for the worse, by taking away all administrative power at a time when everything in Ireland was in a state of destruction, and when every interest there was in a state of collapse. The noble Lord had told them that the Bill was the result of long consideration on his own part and on that of the Earl of Clarendon. He must say that, considering the length of incubation, the effect was as miserable and unfledged as anything that could be. The first thing that the noble Lord told them was, that the Irish were not sufficiently self-dependent; and now he was going to make them more dependent on the English than ever they were. The hon. Member for the city of Cork argued in favour of the Bill, that they were too dependent on the Irish Government; and his cure is, that they should be made dependent on the English Government. The noble Lord at the head of the Government, and the right hon. Baronet the Member for Tamworth, seemed to have strange notions of the uses of government, when they thought that the Government was to be carried on by a centralised police force. They took a railway view of the question, and looked on it as a matter of time and space. If the noble Lord was in America, nobody could do more than he in the way of annexation; let them but give him a railway, an iron bridge, and a steamboat, and he would do anything in that way. Now, he would caution the noble Lord against losing the confidence of the middle classes in Ireland, by removing the local Government. If the middle classes in Ireland are never to look the Government in the face, how long will it retain their confidence? and, if it loses their confidence, how long will you retain the country? His hon. and gallant Friend the Member for Middlesex made a very brilliant speech, advocating this Bill, and adduced as an argument in favour of the abolition of the Lord Lieutenancy that the great majority of those who had filled that office had been either knaves or fools. But what did the hon. and gallant Gentleman propose? His case was, that they should change the Lord Lieutenant into a Secretary of State; and he supposed that he would wish that the Under Secretary of State should be chosen from the ex-aide-de-camps. If the Lord Lieutenants were fools, there was no doubt that they would have made worse Secretaries of State. Such men would be much more mischievous as Secretaries of State than as Lord Lieutenants. This Bill did nothing at all to improve the sources from which good government should spring. They did not alter the principles of government by it; they merely made a change in the mode of carrying them out. He would now allude to the reasons which had been given by the hon. and learned Member for Sheffield for supporting the Bill. That Gentleman came down to the House with a prepared philippic against Ireland, which he had ready for delivery on the first convenient Irish debate. The hon. and learned Gentleman said that the Bill was a good one, because it would make the poor-law more representative in the House of Commons. From that statement it appeared that that Gentleman did not read the provisions of the Bill. The effect of the Bill would be quite contrary to that; it would completely destroy the representation of the poor-law board of Commissioners in the House of Commons. It would take those who at present represent the poor-law, out of the commission. It was strange that the hon. and learned Gentleman, who was so much in the habit of charging Irish Gentlemen with ignorance of their own affairs, should now give his support to a Bill which he evidently did not understand, or had not taken the trouble to read. If this Bill was passed, no question relating to the poor-law could be answered in that House. The hon. and learned Gentleman raised another question; he asked them to point out to him one single case in which English legislation on Irish matters in that House had not been the acme of perfection. He added, that since Parliament was reformed, they never made but one mistake: but the hon. and learned Gentleman did not point it out. He (Mr. Roche) would, however, give him a few instances of bad legislation with regard to Ireland. In 1838 the House, in its wisdom, passed a poor-law for Ireland; at that time it was the expressed intention of the Government to provide for the then existing pauperism, and to diminish it for the future. What, however, was the consequence? In the year 1838 there were 80,000 paupers in Ireland, according to the statement of Mr. Nicholls; and in 1848 the number of paupers amounted to nearly a million, and your law of 1838 was swept away by the flood of increasing paupers. Now he would give them another instance. In the year 1847 they picked out their best man, and sent him to pacify, subdue, and govern Ireland, and they strengthened his hands by two most unconstitutional Coercion Bills. In 1848 Ireland was in military occupation, the constitution was suspended, and rebels were in the field. There was another case of English wisdom. In 1849 they passed an Act to disencumber the land of Ireland, and in 1850 that Act began to work to the utter ruin of both creditor and debtor. And they were now passing a Bill to render encumbrance perpetual in that country, and to give legislative and Parliamentary sanction to the debtor. This was an answer to those who said that Englishmen could govern Ireland better than, or as well, as Irishmen. [Sir R. Peel: All that occurred under the Lord Lieutenancy.] The right hon. Baronet the Member for Tamworth says, that all this occurred while a Lord Lieutenant was in existence. He would, then, ask why it was that the Lord Lieutenant was continued up to the present time, if to him were to be attributed all the misfortunes that occurred in Ireland? Why was it that they did not make this discovery until the year 1850? He did not care much about their taking away the Lord Lieutenant; but he thought that they should not take with him all the useful administrative functions that at present existed in Ireland. If they took away the Lord Lieutenant, they should give increased power to the corporations; they should make them free, as they were in England. They should give them free grand juries, and county corporate bodies, who should properly represent the people, and control the local taxation. If, however, they once let the right hon. Baronet the Member for Tamworth get into power, they would lose not only their mock court, but along with it would go the Lord Chancellor and the Irish bar, and everything which Irishmen ought to hold dear to them. He (Mr. Roche) protested against such a proceeding; and he would say that if this Bill did no other mischief, it would do this—it would afford an excuse to those who were desirous of crushing all national feeling in Ireland to hound on the English to crush all their national institutions. He knew that he and those who held the same views as he did would be defeated that night; but he warned the Government that they would not be able to carry out the measure; for although the Irish Members were few in that House, yet as long as they possessed the confidence of the people of Ireland, they were strong outside the House. If the Bill passed, the cry of national redemption would go forth to excite a people who were both patriotic and sensitive. Seeing from the indications which came from both sides of the House, that the Bill was not a mere attempt to alter the staff and remove the Lord Lieutenant, but to crush all national feelings and all independent exertions in Ireland, he would give the Bill the fullest and strongest opposition in his power; and he hoped that in case it should pass this House, the Irish people would have occasion to thank their stars that they have a House of Lords.

SIR R. PEEL explained. The hon. Gentleman was mistaken if he supposed that he had any desire to interfere with the bar of Ireland, or the separate existence of the Attorney General and Solicitor General, or of a judicial bench. In his opinion, those matters left the question entirely untouched, whether they had two Secretaries of State or one.

MR. NAPIER having, after considerable deliberation, come to a conclusion different from that to which his mind was in the first instance inclined, felt it his duty to give his reasons why he had done so, and why he considered he ought to oppose the second reading of this Bill. The noble Lord, in introducing the Bill, said it was a subject of the greatest importance to unite the administration of Ireland with that of the rest of the empire, and expressed his desire to equalise the laws of both countries, and to prevent those evils which directly obstructed the welfare of Ireland, and ultimately affected the interests of England. That statement caught his (Mr. Napier's) attention with many who acknowledged the abuses that existed, and could see no prospect of any likely remedy but some such change in the administrative government of Ireland. He entirely concurred in the view of the noble Lord, that the union in law should be followed up by a union of administration, and if the Bill effected or accelerated that result, he (Mr. Napier) would support it; but believing it would have no such effect, but would, on the contrary, aggravate existing evils, he felt bound to give it his strenuous opposition. The Bill, so far from providing one administration, perpetuated two distinct administrations; it substantially fused into one the offices of Lord Lieutenant and Chief Secretary, and transferred the head of the Executive Government from Dublin to London, leaving the rest of the Government to work its way in Ireland. The right hon. Baronet the Member for Tamworth had stated with great clearness the grounds on which, with all deference, he (Mr. Napier) thought a very different conclusion from that at which the right hon. Baronet had arrived might have been based; but, setting aside any objections to the creation of the new Secretaryship, it would be important for the consideration of the Bill before them to see how far, supposing the new office carried out, it possessed advantages over the office of Lord Lieutenant. The noble Lord at the head of the Government, after stating at great length the evils of the several administrations to which Ireland had been subject for centuries, assumed that those evils were essentially inherent in the office of Viceroy, and could not be removed or remedied without getting rid of the office. He, for one, would say that if these evils could not be remedied but by the abolition of the Viceroyalty, that the office ought to be abolished; but when the noble Lord came to put forward his case for the proposed change, he did not seem to think it possible for a moment that any abuse whatever could arise under his new system. The noble Lord had described the Lord Lieutenancy as a sink of corruption, jobbing, and intrigue; but he should remember that there were two parties to such jobbing and corruption. His new Chief Secretary was not only to have the gift of clairvoyance, and to see everything going on in Ireland, but to be incorruptible and beyond political pressure in all time to come. He certainly would be in direct communication with the Government, and immediately under the control of Parliament; but when the noble Lord compared this new officer with past Lord Lieutenants, it should not be forgotten that he compared realities with what did not yet exist. They had had heard much talk of identifying Ireland with England; but he would tell the House in one word, that it could not be done. Attract the sympathies, conciliate the feelings, and gain the affections of her people they might; but they never could remove those national peculiarities, or destroy the distinguishing lineaments which had been stereotyped by the hand of God. He hoped the day would come when such distinctions as the laws could remove would be seen no more, and that the genial influence of the British constitution might be brought fully to bear upon Ireland; but they must permit the people to cherish their peculiarities; and, in the wisdom of Bacon, if they wished to conquer nature, it must be by obedience. They had also heard some hints thrown out as to the propriety of uniting the bar of Ireland to that of England; and, sorry as he should be for any such measure, if the fusion of the two bars was necessary for the happiness of Ireland, he would say, Perish the bar of Ireland, and let her people be happy.

That the noble Lord did not propose to do. He left in Ireland a separate bar, the law courts, a Privy Council, a Commander-in-chief, and a Royal residence, and thus permitted a great amount of separate administration. Was it carrying out the principle of the Union to have an office open to political influence in England, and to political pressure from Ireland, with nothing but secondhand experience, and under the screw of what was termed State policy? Would the principle be better carried out by such an officer than by an able and impartial nobleman residing in Ireland, with all the advantages of immediate access to the best sources of local information? It would be much more convenient, in the event of a necessity arising for those occasional consultations with the Cabinet which had been referred to, for the Viceroy representing the Crown to come over from Dublin, and to bring with him the results of his personal observation and experience. There was one strange fallacy pervading the whole of the noble Lord's arguments, founded on the increased facilities of communication between the two countries, which was, that whilst he spoke of twelve hours' distance between Dublin and London, he forgot that it was a very different matter if you come to look to a case arising in Kerry or Mayo, which had to be settled in London after references to the authorities in Dublin. But the certainty of information, the truth in public matters, was a result of some importance. Still, and he was sure the noble Lord's experience would bear him out in saying, there was nothing more difficult than to get at the facts of any controverted transaction in Ireland. Which would—the old or the new system —work the best in that point? A Lord Lieutenant residing in Dublin, would have every channel of information open and accessible on the spot—the judges, the assistant barristers, and the gentlemen of the country. Admitting all the difficulties in his way, such a person must be more likely to get accurate information on the spot than a person living in London, far removed from the scene of the particular occurrence; and the staff of lower officials who would be left behind would scarcely be able to aid him from their inferior and more corruptible sources of information. The daily conference with the legal functionaries in Dublin on matters familiar in Irish Government, would also be cut off by this Bill. Were the Attorney and Solicitor General and the head of the constabulary to remain in Dublin or London; and was it not more important for the individual charged with the government of Ireland to hold daily communications with them, than casually with the Cabinet Ministers, to whom he could go whenever he pleased? Suppose such a state of things occurred again in Dublin as they had seen in 1848 —the Lord Lieutenant gone—the Chief Secretary in London—a sudden emergency arises—who was to act? Who was to command the Commander-in-chief? Was it the Lord Mayor; or, if there were two claimants to that honour, as recently, was it the Lord Mayor *de jure*, or the Lord Mayor *de facto*? He trusted such a time would never come; but they were bound to guard against it, and a steady and firm Executive, with all its resources on the spot, strong in confidence and moral security, would be invaluable in such an hour of danger. English Members went much astray when they talked of at once assimilating the social systems of England and Ireland. The latter was in many places without a resident gentry—without any class to fill up the gradations between rich and poor—with much poverty, dissatisfaction, and discontent. It would be wise to consider whether a magistrate or a stipendiary officer placed in such a state of things, without encouragement and support from the residents, was in a like position as if he was in a peaceable English county? Plainly not—and therefore the custom had been to assist magistrates and others placed in such difficult circumstances by legal interpretation, and by advice on points of policy, which were referred to the Lord Lieutenant, and which he considered in conjunction with the law authorities and the head of the constabulary. The noble Lord asserted that the office was calculated to increase party spirit. They heard a great deal about party spirit in Ireland, just as if they had none of it themselves; but for his part he considered it the price that must be paid for a free constitution, and the result of those energetic differences of opinion it engendered. It was not party spirit, but the dishonest working of party spirit, he objected to, and which he wished to see put down; and it would be far more easy to suppress it by an honest policy than by any change of the agent who carried our policy into effect. Party spirit could be as easily influenced by a Chief Secretary in London as by a Lord Lieutenant in Dublin; and although they had heard great use made of the phrase, "the backstairs' intrigue of Dublin Castle," he believed the only difference would be that those who used the back stairs in Dublin could march up the front stairs in Downing-street; and that those who might be ashamed to be seen soliciting favours openly in a place where they were known, would, on the eve of a critical division, when a few votes were of importance, boldly ask for them, and obtain some crumbs, or it might be, a good slice of the loaf of patronage, the distribution of which had been so candidly explained by the hon. Member for Cork in a recent letter to his constituents. He could, indeed, conceive the Chief Secretary subject to an influence in London, from which in Dublin he might be free; and, much as he loved England, if he saw a section of English Members bringing their power to bear on the Secretary, and forcing him by their influence to do what would militate against the real interests of his country, he had enough of Irish blood to be roused at the sight, and he might be disposed to think that there was no very great advantage in having Ireland administered under such English influence. It was not the Lord Lieutenant who was responsible for Irish legislation, but that House; and he would be glad to see, not identity of legislation, for that was impracticable, but a system carried out with the same affection, care, and real regard for Ireland, that they exhibited towards England. He could not but say there were instances with which he was acquainted in which that was not the case. He would refer to one only. A Bill of great importance to Ireland had recently been brought in, to which he had given his best assistance in its various stages. When it went to the other House, certain clauses of a very important character were added to it, founded in utter ignorance of the laws of Ireland. These Amendments were not noticed in the Parliamentary papers of this House. The Bill was returned with the Amendments, and at two o'clock in the morning, before they adjourned for the Whitsun holydays, the Bill was passed without the attention of any Irish Member being directed to it. On being acquainted with the fact, he wrote to the Solicitor General, who informed him a Bill would be brought in to amend the former Bill, and he (Mr. Napier) expected he would have been informed when the new Bill would come on; but it was read a first and second time on the same evening without previous notice, passed through Committee in haste; and when on the third reading he pointed out to the Attorney General, who was naturally enough unacquainted with the peculiar law of Ireland, the glaring defects of the new Bill, he was answered by a midnight majority. The Bill was now the law of the land, and he prophesied before the Session elapsed they would have an application to introduce a Bill to amend a Bill to amend a Bill which had been passed but a few weeks previously. He was no grievance-monger; but he asked, could such a thing have happened in the case of any English Bill? In Ireland, where many people regarded particular measures more than abstract policy, the circumstance had given rise to the greatest dissatisfaction; but if the House, instead of such reckless legislation, introduced sound and well-considered measures —if they gave the country a firm and stedfast administration of the law—if they protected the peaceful and repressed the lawless, so as to give real security to life and property, his life for it English capital would soon flow into Ireland, and they would see her prosperous and employed. As to the Bill before them, he doubted, even supposing it advisable to equalise the administrations of the two countries, whether that was a time at which they could venture on an experiment presenting but speculative advantages, and entailing certain evils. The noble Lord had referred to the letter of George III. as intimating the impression on his mind that the Lord Lieutenancy should be abolished; but he (Mr. Napier) rather thought it showed His Majesty anticipated that, by the sound and wise influence of the agencies of the constitution, the Irish people might gradually be raised to a level of civilisation with the people of England. He would ask the House what was the present condition of the people of Ireland —were they not most deplorably depressed? He would not be hypocritical enough to contend that a powerful argument might not be founded upon the effect of the proposed change on Dublin; but he was bound also to look at the view which the people of Ireland generally were likely to take of such a question. They, he doubted not, would regard the whole policy of it with alarm. The people of Dublin would view with regret the withdrawal of the Court; they would view it in connexion with the ungenerous discontinuance of all the grants made to their hospitals; they would look on it as a measure calculated to crush a respectable class that had hitherto endeavoured to maintain a good position by industry in trade. Was this, then, the time to propose a measure for abolishing the office of Lord Lieutenant of Ireland—a time when the whole social system had been racked and shivered, and the country so recently smitten with sterility; was such the fitting time to bear hard upon the feelings of a suffering people? Surely that was the last moment that any one should choose for the purpose of trying political experiments upon afflicted and impoverished Ireland. In England the proposed change might be regarded in one point of view; but he did not doubt that the people of Ireland would regard it otherwise; he feared that they would view it as an insult in their distress if they could not find that any sound political argument had been urged in its support. They had their national peculiarities as well as other people — national peculiarities which nothing could efface; the land of Burke and of Wellington might cling to her national feelings with pride, and at least without rebuke. The people might naturally expect that the Government of this country ought to begin at the right end; that they ought to proceed first upon principles of sound legislation; that they ought not to allow the vessel of the State to drift—that the time had come when they ought to steer. When they succeeded in somewhat raising the people of Ireland to comparative prosperity, then perhaps experiments might be tried. Feeling that this new separate system could not be rendered salutary or effective—believing that the Irish Government in Dublin might be allowed to remain there, and yet be stripped of many of its evils, he therefore could not vote for this Bill. As to the present Lord Lieutenant of Ireland, he had had little intercourse with him; but in that little he found him candid, courteous, and patient, and doubted not that, with a Cabinet capable of furnishing him with sound instructions, that noble Lord was equal to the task of governing Ireland with satisfaction and advantage to the country and the empire at large.

Mr. SADLEIR said, that he had heard three long speeches upon the question before the House; but it seemed to him that they applied more to the details of the measure than to its principle, and he therefore thought they would have been more appropriately addressed to the Committee than to the House. Many of the arguments which had been urged by his countrymen partook strongly of sentimentality; but he was not disposed so to treat this important subject. There were many objections to the details of the measure, which might be fairly considered in Committee; but as to the abolition of the viceregal system of government, there had been an utter failure to urge any satisfactory argument against the great principle of that proposition. The Irish Members who were opposed to this principle were but few as compared to the gross number of Irish representatives in the House. The majority of Irish Members in this House were now, as they had been for years, anxious to see a measure of this character introduced, and the insulting and disgraceful method of governing a large portion of the empire by a deputy wholly abolished. Although the number of his hon. Friends opposing this measure were few, he acknowledged that their opinions were deserving of much consideration and respect; but looking at it as a national question, and in a still more important point of view—namely, as a Parliamentary question—he maintained that very cogent reasons might be urged for the abolition of this inefficient mode of governing a great nation. As regarded this question in a national point of view, they had heard much about Irish nationality, about local institutions, about Ireland for the Irish. How could his hon. Friends reconcile this phraseology with a viceregal system of governing Ireland? Of all these viceregal Lord Lieutenants, they had had only one or two who were Irish noblemen. This office was limited to the nobility of this country. A system was in progress by which the ancient nobility of Ireland were becoming gradually extinct. However able, however practical, however influential a Member of the Commons might be, he was disqualified for the office, he was discharged from holding this office. During the last half century there had been twenty-five Chief Secretaries conferred upon Ireland. There had been a Scotch Gentleman and one or two Irishmen. His local knowledge made the Chief Secretary qualified to suggest and carry out the measures which were particularly called for by the peculiar exigencies and wants of the Irish people. He was surprised to hear any hon. Member talk of the presence or absence of a viceregal court affecting the trade of a great and populous city like Dublin. He had no apprehensions on that score. On the contrary, he was of opinion, that that empty pageant once removed, a proper direction would be given to the enterprise, the intelligence, and the industry of the metropolis. With respect to the political view of the question, he would ask any man of ordinary Parliamentary experience whether they were willing to see so large a portion of the united kingdom as Ireland so feebly represented in the imperial councils, as it must be if the viceregal system were continued? The noble Lord at the head of the Government, when introducing the Bill, had observed that great changes in the mode of administering the affairs of Ireland must follow the abolition of the Viceroyalty. No doubt there must; and such changes must have the effect of greatly increasing the vigour and efficiency of the Irish department. At present, the Viceroy and his opinions were only indirectly represented in Parliament. He had no power to construct, to prepare, or to pass measures for the good of the country, under that system which they were told must be preserved if they hoped for the regeneration of Ireland. In fact, he had power to do mischief, but he was totally powerless when any good was to be effected. Even the Earl of Clarendon had never been able to impress upon Parliament the necessity of carrying through any Act, save a continuance of the Suspension of the Habeas Corpus Act. No doubt his Lordship had incessantly pressed upon Government the necessity of introducing practical measures for the benefit of Ireland, but with very little effect. Then how could it be expected that the English law officers would continue to devote their attention to maturing Irish measures, seeing the enormous mass of English business they had continually to deal with. During the six centuries preceding 1800, 6,847 Acts of Parliament had been passed, and about the same number since that time, making in all 13,000 Acts of Parliament, of which 8,000 had since been repealed. Was not that a mass sufficient to engage the attention of the English law officers, without wearying them with Irish affairs? And yet these were the men who were now constantly employed to suggest laws for Ireland—a country of the circumstances of which they were profoundly ignorant. If they abolished the Viceroyalty, an entirely different system must be adopted. The Government could no longer vacillate or hesitate, but must at once determine whether or not they would make the Union a reality by making the laws and institutions of the two countries equal in every particular. He believed that there was not a repeal Member in the House who had in reality ever sought for more. Assuming the Viceroyalty abolished, how was the Irish business to be carried on? From no system that could be substituted, could Irishmen of talent and experience be excluded, and in that fact he found the strongest argument for its abolition. The Lord Lieutenant was in fact no more than a sort of correspondent or scout to Downing-street. He was the representative of the Sovereign at a flower-show or a race-course; but in his political capacity he was only looked upon or corresponded with as the agent and correspondent of the English Government. It was now as in the time of Spenser: he complained, as other writers had often done, of the continued changes of policy consequent upon the frequent change of Lord Lieutenants, every one trying to undo what his predecessor had sought to accomplish. Spenser said they were envious of each other's glory; and if they contended in a generous emulation, there would be no doubt of its useful consequences; but they sucked the sweets and left the bitterness to the poor country. One wheedled the Irish, the other oppressed them; and a third so dandled between the two systems as utterly to confound and render miserable the poor people of that country. What security had they against such changes in the present day? Had they not had the gentry deprived of the commission of the peace by one Viceroy for their political opinions, and reinstated for the same opinions by his successor? Had not some of them been degraded for their share in the melancholy affair of Dolly's Brae; and did they not look upon themselves as political martyrs, to be restored to all their honours by a Viceroy of a different political complexion to the present at some future period? Believing that in supporting the abolition of the Viceroyalty he was supporting the inauguration of a better system in the government of Ireland, he should give his cordial support to the present Bill.

Mr. MOORE said, that a more illogical train of reasoning than that of the hon. Gentleman who had just sat down, it had never been his lot to hear. The hon. Gentleman first complained that so few of the Lord Lieutenants had been Irishmen;

and his remedy for that injustice was, to make the office entirely English. The hon. Gentleman complained that Lord Lieutenants had constantly made the most important suggestions, and proposed the most beneficial reforms, which were not attended to by the Government; and, as a cure for that, he proposed to abolish the office from which such suggestions had emanated, and to leave the Government without any such adviser. Then the hon. Gentleman alleged that every Lord Lieutenant invariably reversed the policy of his predecessor; and, to amend that evil, he advocated the substitution of a Secretary, who, in like manner, would go out with every change of Ministry. The hon. Gentleman's arguments were all of a similar character. As for himself, being very undecided upon the merits of this question, he would have preferred the silent solution of his own doubts to the intrusion of half-formed opinions upon the minds of others; but having already listened with the most deferential attention for two whole nights, with the greatest willingness to be convinced, and yet without the slightest progress towards conviction, he was induced to hope that, by stating the impressions that had thus far been produced upon the mind of a dispassionate listener, he might possibly elicit such further elucidation of the subject as might perhaps conduct him to a definite conclusion. When this question was first introduced to the notice of the House, he confessed to having felt the greatest doubt and difficulty in arriving, he would not say at a satisfactory conclusion, but at any conclusion at all upon its merits. His first impression was that of having been taken, as it were, by surprise. It struck him that the introduction of a Bill of this nature, in the midst of the Session, without having been alluded to in the Speech from the Throne, or mooted during any previous Session of Parliament, had the appearance of being dictated rather by momentary irritation or sudden caprice, than by cool and mature deliberation. It could not have been that recent circumstances had opened the eyes of Her Majesty's Government to the mischievous influence of the Viceroyalty in Ireland; for they had been told, till they were almost sick of the iteration, that to the recent influence of that Viceroyalty they owed the salvation of the kingdom. It could not have been that the present moment was considered peculiarly favourable for a long-cherished scheme; for, in the words of the hon. Member for Buckinghamshire, that time was unnecessarily unhappy. He confessed, therefore, that even in the manner and time of the first announcement of this Bill, there had appeared to him something unsatisfactory, if not suspicious. But when he had come to consider this proposition in the abstract, and in its relation to the past rule and future government of Ireland, he had felt completely overwhelmed by a consciousness of his own ignorance of the subject. It had certainly never occurred to him that he could solve his doubts, like the hon. Member for Cork, by a reference to the history of the middle ages, or cut the Gordian knot with the slashing sword of his hon. and gallant Friend the Member for Middlesex; but after a careful consideration of the subject in all its bearings, he had arrived at the mortifying conclusion, that neither his reading nor experience furnished him with sufficient data to form a decisive opinion upon this Bill. He had not entertained a shadow of doubt, however, that those difficulties would have altogether vanished in the course of the debate upon the second reading. He had had no doubt that Her Majesty's Ministers had duly weighed and considered the important change in the administration of the country which they were about to propose; and that they would not have presumed to call upon the United Parliament of Great Britain and Ireland to sanction so great an alteration in their united government, without assigning such sufficient reasons of state as might influence the judgment of statesmen in a matter of such interest and importance. He had expected from the noble Lord at the head of Her Majesty's Government, not scraps of history that every child knew—not details of Dublin scandal and Dublin squabbles that every man had discarded from his memory—but he had expected, from his great constitutional knowledge, and still more from his great practical experience, a grave and explicit statement of the evils that had resulted from a Viceregal Government; of the impediments that that Government threw in the way of the proper administration of the country; and of the facilities that would be afforded by the plan he had laid before them, for a great and extensive improvement in the conduct of Irish affairs, both as regarded the local interests of the Irish people, and their relation with the general interests of the whole empire. He had imagined also, that the opinions of the noble Lord, thus clearly and broadly propounded, would have been met, if not encountered, by other views of other experienced statesmen; and that, from the collision of abler and more accomplished understandings than his own, he would have derived that opinion which his own knowledge and experience had not enabled him to form. He confessed he had been both disappointed in that expectation, and at the same time somewhat relieved as regarded the contemptuous opinion he had formed of his own judgment and information, on hearing the speech of the noble Lord, and the debate that had followed; inasmuch as neither the noble Lord, nor the hon. Gentlemen that had favoured the House with their views on that occasion, had condescended to inform him of a single fact of which he was before ignorant, or a single argument calculated to affect the question at issue. The noble Lord had commented with some severity upon the illogical form in which the arguments of some hon. Members opposed to the Bill had been conveyed to the House. His hon. Friend the Member for Portarlington, for instance, having maintained that during the last half century a gradual and progressive decay had taken place in Irish property, industry, and trade, he had been ingeniously represented as now contending for the continuance of the very system out of which these ruinous consequences had arisen. But the argument of his hon. Friend, fairly stated, was this: "During the last fifty years a centralising policy had been pursued with regard to Ireland, which had been attended with the most disastrous results. Ruin and degradation had followed on its footsteps, as far as it had gone; this was another step in the same direction, and he therefore protested against it, as precipitating and tending to complete our ruin." Now, without adopting either the statements or the arguments of his hon. Friend, he conceived that a more logical conclusion from given premises it was difficult to conceive; and he confessed he would rather have heard it met and confuted, than evaded with such subtle and disingenuous casuistry. Indeed, the accusation of illogical and inconsequent reasoning applied much more justly to the noble Lord himself, than to those whom he reproached. His historical reminiscences, in particular, were especially open to this imputation, and appeared to him not only too unimportant in their nature to sway the opinions or to fix the judgment of the House, but rather tending to a totally opposite conclusion to that indicated by the noble Lord's Bill. It appeared to him, for instance, that the object of the noble Lord should have been to show, if possible, that the Irish Viceroys generally had impeded and perverted the good intentions of English legislation; that, at the different periods of our history to which he referred, they had been the instigators of the unwise measures which had been pursued with regard to Ireland; that they had thwarted and perverted the more reasonable and beneficent policy which the Government at home might have wished to introduce. Whereas the noble Lord, on the contrary, had endeavoured, rather unnecessarily, to prove that the Viceroys sent over from this country were men of the best abilities and intentions, thwarted and assailed only by the Irish themselves. This might be a reasonable argument for the abolition of the Irish people, but it was an argument against the removal of the Irish Viceroys. In fact, the noble Lord's history had run away with his logic. Were he (Mr. Moore) inclined at that moment to dress up the subject in rags of ancient history—did he think that any fair inference as to the influence of the Viceroyalty in modern times could be drawn from its relative influence in days gone by—he thought he could make out a case in favour of the office that might not be considered altogether contemptible. He thought he could show that, comparing the biography of the men with the history of the times, they had been generally in advance, often centuries in advance, of the ages in which they lived. That, as a general rule, they had sought to modify and soften the overbearing pride of England on the one hand, and the mutual animosities of the Irish on the other; that reflecting, as it were, in virtue of their office, a ray of light from the noblest prerogative of the Crown, and gathering in some sort inspiration from the genius of the law, which, even in its outraged majesty, they represented, they had interposed the ægis of British protection between the oppressors and the oppressed; that they had been the pioneers of reason, justice, and humanity, as they had hewn their toilsome path, step by step, through the dark and ferocious prejudices of barbarous ages; that it was their wisdom that had foreshadowed, and their counsels that had led the way to the wise reforms which the present age had reluctantly conceded, and even to those which it had not yet had the virtue to achieve. Among the many instances of this humane pre-eminence which occurred to his memory, he might cite that of Sir John Perrot, whose wise and beneficent government had drawn down upon him such unjust reproach on the part of his own countrymen, that he was obliged to petition the Queen to relieve him from a charge which the temper of the times would not allow him conscientiously to fulfil. He might cite the case of the Marquess of Ormond, who, well nigh two centuries before its time, had produced to the world the embryo of the Emancipation Act of 1829, as well as of other reforms which were still in the womb of time. He might refer to the unavailing efforts of Lord Chesterfield, of the Duke of Bedford, and of Lord Townshend, to encourage the growth of national energy, to promote something like equal justice, and soften the ferocity of the penal laws. He might cite, in contrast with the efforts of these statesmen, the miserable misrule which had existed during the interregna of the Viceroys, sufficient, as Lord Clare had declared, to beat down the strongest nation upon earth. He might remind the House of the significant history of Lord Fitzwilliam's acceptance of office, and the equally significant history of his recall; the administration of Lord Wellesley, struggling with reluctant Governments, and beleaguered by contending parties. The administration of Lord Anglesey, more liberal than the liberal Ministry of the day, brought down to their own times the history of the Lord Lieutenants of Ireland, who, harassed as they were by international antipathies, thwarted by remorseless factions, and bearing the obloquy of deeds not their own, had not been without some regard for their own honour—not without some charity for a trampled race—not without a sense of that high trust and delegated majesty to which the empire and the Government from which they were derived had been utterly insensible. He found the Irish Viceroys in every age better than the English Governments they respectively represented; better than the dominant parties by whose intrigues their best efforts had been rendered abortive; and if he were obliged to judge of the future by the past, he would be bound to infer that an Irish Viceroy would still continue to be a shade better than an English Secretary, and the rule of Downing-street something worse than that of the Castle. As for the peculiar line of argument put forward by the noble Lord, and afterwards repeated with additional point and pleasantry by his hon. and gallant Friend the Member for Middlesex, he could hardly conceive that either the noble Lord or his hon. Friend could be seriously of opinion that the occasional unpopularity of particular Viceroys, or the saucy things that might be occasionally said or done by a Dublin rabble, affected the present question. As the hon. Member for Buckinghamshire had shrewdly remarked, such arguments as these told just as strongly for the abolition of the Monarchy in this country, as the removal of the Viceroyalty from Ireland. What foul thing had been said, what vile act had been perpetrated, in regard of an Irish Lord Lieutenant, that worse had not been said or done with regard to our English Monarchs? If hon. Gentlemen looked to words, he would refer them not to such works as the anonymous slanders of an obscure print, but to the *Twopenny Postbag*, and the Irish *Avatar*, written by the most illustrious authors of the present age. If they demanded facts, in return for the bottle which had been flung at the head of an Irish Viceroy, and which the noble Lord with such sententious significance had flung at the heads of his opponents in the course of the debate, he might remind the House that within the memory of man the lives of two reigning Sovereigns had been three times attempted—that one Minister of State had been assassinated, and another had only escaped by a mistake on the part of the assassin, and at the sacrifice of another valuable life. When he found that no more important facts than such as these, no more important arguments than such as these, had been alleged in support of this measure by the First Minister of the Crown, and when he perceived that one of the cleverest and most effective speakers in the House could do no more than repeat the same facts and arguments, with no other addition than the salt and spice with which his wit and fancy had flavoured them, could he be considered unreasonable in entreating that before they came to vote upon so great a question, they should have the means of judging on more substantial grounds and on more satisfactory information? He cast aside altogether the petty interests which complicated this question, which gave it a fictitious importance to some, and invested it with a fictitious insignificance in the eyes of others. To the Dublin shopkeepers, St. Patrick's-hall was still the hall of Tara; and the Viceregal

Court the palladium of their national liberties. Under this patriotic and disinterested impression, they had convened public meetings, and unanimously resolved that Irishmen of all parties should merge all other objects, all other grievances in one glorious stand for the Castle balls. He regretted this indiscreet display on their part, inasmuch as it had the effect of persuading many worthy people as shallow as themselves, that the whole significance of the whole question was expressed in the noisy folly of these obtrusive clamours. For himself, although he could not see without sincere regret the ruinous loss that this measure would inflict upon so many of his fellow citizens in the city of Dublin, he could not allow a feeling of this description to prejudice, in ever so minute a degree, his consideration of this question; neither could he enter into the fantastic imaginations of those who called the Viceregal Court a national feather on the one hand, or a badge of national servitude on the other. At the risk of being called a traitor to his country, he declared he cared very little about the Viceregal Court, but he cared a great deal about the government of Ireland. The material question was, whether the administration of Irish affairs should be conducted by a local or central government, and that question involved two distinct considerations: first, would the government of Ireland be more wisely, more equitably, and more satisfactorily conducted in times of general tranquillity? and, secondly, would the maintenance of public order, and the suppression of popular disturbance, be as carefully, and, at the same time, as constitutionally guarded under the system now proposed, as under that which they were about to supersede? Had Irish Members, who, with such reckless facility, undertook to decide upon a great national question such as the future administration of their country, ever considered this latter part of the question at all? Had it ever occurred to them to inquire as to what was to be the nature of the Irish Executive in case of disturbance or insurrection in that country? Was a provisional Viceroy to be sent over for the nonce, or was Ireland to be subjected to a military dictator, subject only to instructions from London, which might be intercepted or indefinitely suspended? Irish Members of all political opinions should narrowly consider the possible consequences before they pronounced too hastily in this matter. The only solid advantage which he had yet heard stated as likely to arise from this change, was the additional responsibility of the Minister who would have the charge of Irish business — the advantage of having, in that House, a Minister who might be called to account if public business was neglected, from whom explanation might be demanded whenever matters appeared unsatisfactory or obscure. But he saw no valid reason why that might not be the case under the present system. He saw no reason why the Irish Executive should be represented in that House as it was, unless it was the deliberate intention of Her Majesty's Government to carry this question by a species of blockade, and to prove the necessity of a new arrangement by making the present impossible. The Irish Executive, as it was represented in the House, was an *argumentum ad absurdum* in favour of the Bill; and if an admission that any change would be for the better, argued an acquiescence in the change proposed, it would be unnecessary to divide the House upon it. He thought, however, that Her Majesty's Ministers were taking an unfair advantage of the House, in this style of argument; he thought the difficulty capable of another solution, and that it would be necessitated as much by the rejection as by the passing of this Bill. He did not flatter himself he had cleared up this most difficult question; but if he had succeeded in proving that it still required elucidation—if he had succeeded in mowing down any part of the jungle in which the whole subject was smothered and obscured, he had not risen in vain.

LORD NAAS felt compelled to say that he felt some satisfaction in supporting the Bill, reserving to himself the right of using his discretion hereafter as to whether he should support or oppose whatever form of government might be substituted for the existing system in Ireland. Looking back as he did upon the history of Ireland, he believed that that history was but one continued scene of misgovernment. He looked upon the office of Lord Lieutenant as the chief feature of that system, and now that it was proposed to abolish that office, he could but rejoice at the change. He felt that the present system of governing that country partook very much of that pursued with reference to the colonies, while it possessed nothing whatever of its efficiency. He had listened with much interest and pleasure to the able end eloquent speech of the hon. and learned Member for the

University of Dublin; but he could not discover that he had advanced any substantial reasons in opposition to the Bill. However, he (Lord Naas) should feel bound to support the hon. and learned Gentleman in some of his views during the progress of the Bill in Committee. He was sorry that Government had not taken this opportunity to indicate their intention to pursue a new line of policy towards Ireland. As an Irishman he could not view with any feelings of alarm a measure which might have the effect of drawing closer the bonds of union between England and Ireland. If Irish influence was really to be felt—if Irish interests were really to become powerful—it was not by provincial but by imperial influence that those ends were to be obtained. As Members of the Imperial Senate, Irishmen could far better minister to the welfare of Ireland, than by backstairs intrigue in the Castle of Dublin. It seemed there was no such intention, and that in fact this Bill would effect nothing more than transfer the office of Lord Lieutenant of Ireland to London under another name. The only difference in the new system would be, that the functions and powers now exercised in Ireland by the Lord Lieutenant, would for the future be discharged in this country by the fourth Secretary of State. He believed the Government might have devised a better system, and one more productive of advantage to Ireland; however, he would support the Bill, as he believed the system of Irish government at present pursued was very bad. Without pledging himself as to his opinions respecting the mode of government which may be substituted, he should now vote for the abolition of the office of Lord Lieutenant of Ireland, and in favour of the second reading of the Bill.

SIR G. GREY said, that two questions had entered into all that had been stated that evening, and which ought to be kept quite distinct: one was, whether the office of the Lord Lieutenancy ought to be abolished; and the other was, by whom, and in what manner, the duties of that office should be performed, should Parliament approve of the abolition? With respect to the first, he considered that it must be apparent, that it would be beneficial to have the duties performed by a person having a seat in the Cabinet. With respect to the greater part of the information received by the Lord Lieutenant, he could have no other means of collecting it in Ireland than could be at his command in London. He must obtain his information by letters and records, and not by personal intercourse, whether in Dublin or in London; and as communications could now pass with almost as much facility from Dublin as from Yorkshire or Devonshire to London, any inconvenience arising on that head could surely not be advanced as a reason for continuing what was undoubtedly an expensive, and, he believed, an inconvenient arrangement. It had been asked how could the requisite attention be given to the affairs of Ireland, if the Lord Lieutenant was withdrawn from Dublin, and placed here? The answer to that was, that if he were sitting as a Member either of the one House of Parliament or the other, with a seat in the Cabinet, he would be able to give his attention to every Bill and every measure that was brought forward affecting Ireland—to take a part in the debates upon those measures, in constant communication with the other Members of the Government, and sharing in the responsibility of every measure, while taking upon himself the main responsibility of all the measures especially affecting Ireland. The real question was, whether the administration of the affars of Ireland could be best carried on by a Lord Lieutenant resident in Ireland, or by a responsible Minister here? For his own part, he could not entertain a doubt that the latter would be the best plan. He could see no ground for treating Ireland differently from any other part of the empire. He admitted that the Home Secretary was responsible for the administration of Ireland, and was bound to answer any questions that might be asked regarding it; but to be able to do that he must be in constant communication with the Lord Lieutenant. He himself had been so now for a considerable period; but he felt it would be infinitely more satisfactory if that communication could take place personally with a Secretary of State for Ireland—assuming at present that there was to be one—meeting in the same room, than by correspondence. Undoubtedly there had been instances in which the Lord Lieutenant had come here to defend his policy; but that had been attended with great inconvenience, and could not be adopted as a practice. If the direction of the affairs of Ireland were conducted here, instead of in Ireland, the Secretary of State having the reponsibility of them would have ample opportunity of intercourse with his Colleagues, while he would also have personal communication with gentlemen connected with that country, and be able to ascertain the views and feelings of all parties. Then there was the separate and distinct question, namely—if the office in Ireland were abolished, and its duties transfered to a Member of the Cabinet, by whose hands would those duties be performed? He admitted the importance of unity of action in governing this empire. Departmental government was an evil; and there could be no doubt of the desirableness of having one mind to pervade and influence every department of government, but there must also be division of labour, and looking at the number and importance of the measures that were daily brought before Parliament affecting Ireland, and the pressure of business that was continually arising respecting it, it would not only be impossible at once to throw the whole burden and responsibility of that upon the Home Secretary, but it would not be giving the present measure a fair chance of success, if provision were not to be made, in the first instance at least, for the discharge of the duties of the office by some other person than the Home Secretary. It was easy to speak of Ireland as identified with other parts of the empire, but in many things it was very different. It might be desirable that the legislation for the whole empire should be assimilated, and the present measure would do much towards that end; but there were some subjects on which identity of legislation was unattainable. He thought the right hon. Baronet the Member for Tamworth had rather overrated some of the inconveniences which might arise from the abolition of this office. For instance, he had asked, supposing disturbances to take place in Ireland, and the question arose whether a regiment should be sent there or not, how was it to be decided whether the regiment should be sent or not? Really he (Sir G. Grey) could not see the difficulty. Such a difficulty could not arise in an united government. It would be with respect to Ireland as it is now with respect to all other places. A regiment was wanted for Ireland, or for a colony. Well, one Member of the Cabinet mentions that to the others; they consult upon it; and without any difficulty it is settled whither a regiment shall be sent, and from what part of the kingdom it shall be withdrawn. Then with respect to the judicial institutions of Ireland, he could not imagine how the idea had got abroad that the courts of law were to be removed from Ireland to England. Such a notion had never entered the mind of Her Majesty's Government. The courts of law in Scotland exist there now as they had always done; and so would the courts of law in Ireland continue there after the abolition of the Lord Lieutenant's office, just as before. No doubt communication between the Judges and the Lord Lieutenant was necessary, and that communication with the Judges in Ireland could just as well be kept up if the Lord Lieutenant, or a Secretary for Ireland, were here, as it is kept up between the Judges in Scotland and the Government in London. And when Gentlemen spoke of the administration of the internal affairs of Ireland, looking at the system which had lately grown up of putting questions in that House upon almost every imaginable point, and the answers to which often required a knowledge of the most minute details, there could be no doubt that the constant presence in Parliament of the person most intimately conversant with those affairs and details would be an essential benefit. With regard to the suggestion of the right hon. Baronet, of the possibility of withdrawing a portion of the duty of the Secretary of State, in order to allow him to devote more of his time to Ireland, that was a subject which hereafter might be well worthy of the attention of Parliament. Upon that point, however, he would not at present offer any opinion, the question now before the House being, whether they would consent to the abolition of the office of Lord Lieutenant, and the substitution of a Minister responsible to Parliament in his place. He hoped the House would agree to the second reading of this Bill, with a view to substitute imperial for provincial government, and to place the administration of Irish affairs in the hands, whether of a fourth Secretary of State or of some other Member of the Government; but still in the hands of a Minister, who would have to answer in his place in Parliament from day to day any questions that might be put to him, and who would be responsible for any legislative measures which he, as a member of the Cabinet, might have to bring forward.

MR. TORRENS M'CULLAGH: I cannot refrain from expressing the satisfaction at the serious and considerate tone which has characterised this debate, contrasting forcibly as it does with the levity of allusion and bitterness of taunt, by which a former night's discussion was but too much characterised. The question before us is one eminently worthy of dispassionate, careful, and full deliberation. A question more grave you cannot be called on to determine, with reference to the future welfare of Ireland, or the permanent strength and unity of the empire. It is no nice balance of merits between different sets of official forms. It is no vain or empty dispute about the comparative fitness of titles which this or the other functionary may hereafter bear. It is no inflated controversy about subordinate details. The real question before us is, whether the Government of Ireland shall be transferred from Ireland to England, and whether, if it be so transferred, it will be rendered thereby more efficient and more responsible? Incidental difficulties or inducements connected with the proposed change may be entitled to more or less of incidental consideration; but the main question is this: Are you prepared to decree that in future there shall be no local government in Ireland? Are you convinced that the good of that country will be promoted by the complete concentration of all administrative authority in Downing-street? And here I would ask the House to consider whether the time is peculiarly propitious for the intended change? Are the difficulties of Irish administration so diminished, or is the condition of the country itself so happy and secure, that you should just now precipitate this confessedly most unpopular, and, I believe, most perilous experiment? The strife of sects is indeed abated, and the violence of party has for a season died away; but the old quarrel still remains—the unquenched suspicion and distrust between an alien proprietary and the great mass of the people of the land; and he must be a very superficial observer, I think, of what is daily passing before our eyes, who does not see how strongly the currents of popular feeling are running there, with regard to these the most vital questions by which society can be moved. For one, I can only say, that, knowing what I do of the condition of things now existing, and anticipating what I do, as to the exigencies that may arise, I should be false to myself and to those whose representative I am, were I to withhold the avowal that I look toward the present and proximate future of society in Ireland with profound and painful misgivings. Were this my own conviction merely, I should hesitate publicly to urge it upon the attention of others. But it is not so. Similar feelings are, I believe, entertained by every person whose judgment I should wish to have were I placed in a position of responsibility in connection with the affairs of that country; and I am firmly persuaded that no man of experience or foresight who comprehends the nature of those grievances whereof the great bulk of the community with too much reason complain, will say that the utmost care, vigilance, and caution, are likely to become superfluous in the daily administration of affairs. The duty of Government in a representative State may be said to be twofold: it is charged with the maintenance of the laws while they remain in force; and it is responsible for their modification, as well as for the suggestion of new laws when circumstances demand them. How will this measure affect the performance of these two functions? When we talk of laws being well administered, it is important to bear distinctly in mind what the laws in question are. It is proposed, that hereafter the laws of England and Ireland should be administered under the same Ministerial authority, and from the same Ministerial seat of power. Well, that might be somewhat more reasonable if the laws to be thus administered were the same; but what if the laws are wholly and in the gravest essentials dissimilar? The hon. and learned Member for Sheffield (Mr. Roebuck) asked why should there be distinct administration when the laws of the two realms were identical? Why, where was a greater delusion than that which such a question betrayed. Identity of English and Irish laws may be an apt phrase in debate; it may be a pleasing rhetorical mode of expression made use of by parties in power, or candidates for power who wish to conciliate Irish support; but as a matter of fact it is perfectly certain that no such thing exists; nor in my belief is there the slightest probability of its existence, within any period of time which any one here can assign. To talk of assimilation of laws as a condition precedent which may be assumed as a settled basis for a single and centralised administration, is no better than solemn trifling. Not in minute details, in nice adaptation merely, but in every characteristic feature of our domestic polity, the difference is wide and palpable. The educational system by which the children of the many in Ireland are formed, is wholly unlike anything which exists in England. The organisation of the general police, whereby offenders are made amenable to justice, is wholly unlike anything which any one dreams of in England. The entire machinery whereby public employment is permanently afforded through the sub-department of public works, has no parallel or counterpart here. The ground plan of our poor-law and its whole superstructure is necessarily dissimilar from that which exists in England. Go through the whole list—not of exceptional statutes, but of fundamental and permanent laws—and you will be forced to confess that in every thing of importance and of difficulty—in every thing where administrative skill, circumspection and energy are required—the laws of the two kingdoms are diverse not identical. This may be an evil, or it may be a good. That is not the question here. Is it a fact? Will any one on either side of the House who has ever held responsible office connected with Ireland, rise in his place and controvert it? And if not, where is the point or force in the reasoning that rests altogether upon an hypothesis so utterly and helplessly unsound? When the noble Lord at the head of the Government introduced this Bill, I was one of those who understood him to do so as affording the means of finally settling a great problem, of determining the true proportions of central power, and of adjusting the balance between local and imperial functions. But after what we have heard to-night from the right hon. Baronet (Sir R. Peel), and the right hon. Gentleman the Secretary for the Home Department, it seems pretty clear that this is only a first step in the path of centralisation. The right hon. Member for Tamworth deprecated the inference drawn from his ominous words regarding the Irish bench and bar, by my hon. Friend the Member for Cork. He says he did not mean to foreshadow their fall. I was happy to find him so prompt in endeavouring to do away the effect which his expressions were so well calculated to produce; although what he meant to convey by the use of the singular phrases "a separate bar, and a local chancellor," nobody in this House but himself will undertake to explain. The right hon. Gentleman (Sir G. Grey) appeared almost to outbid the right hon. Baronet for the favour of those who desire to see every local institution uprooted in Ireland; for he intimated not very obscurely that a fourth Secretary of State might be only a transitionary expedient, and that we might look forward, ere long, to the honour of being bereft of every remnant of a separate or distinct executive power. Considering the position of the representatives of Ireland in this House, and that on every occasion where the interests of their country and those of other portions of the empire are supposed to differ, the Irish Members are liable first to be outnumbered in the lobby, and then to be held up as fit objects of public denunciation and abuse; it is vain to pretend that any practical responsibility could be enforced in Irish affairs, if such affairs were massed and confused with those which now engage the undivided care of the Home Secretary. The stronger influence would prove irresistible; and the weaker would be left without redress, or the hope of exacting any thing like Ministerial accountability. The hon. and learned Member for Sheffield asked us to discuss this question as if no deep and dangerous channel had been by the hand of nature interposed between the two countries. It was certainly a large demand upon our powers of imagination to invite us to ignore the existence of that formidable and uncontrollable tide. But the hon. Gentleman in fact required a much greater stretch of our fancy, when he requested that we should, for the purposes of this debate, forget the moral, social, political, and religious differences between the two nations. Of these the Channel is but in truth a very inadequate symbol. The rustic, we are told in the fable, punished his donkey for having drunk up the moon that shone in the shallow pool; but the thirst of centralisation is more silly and more insatiable; for it would not only gulp the sea, but it would fain believe that those popular wants and passions with which the dark and restless waves have been so often compared, can be got rid of by simply refusing to see or heed them more. Suppose for a moment, however, that all this were possible—suppose we could forget all we have had bitter cause to remember—suppose that we sincerely desired to obliterate henceforth all national distinctions in legislation and government, does any man who knows the real feeling of this or the other House of Parliament, believe that we should find the slightest approach to a general or substantial compliance with such a demand? I have had but brief experience, and may be deemed to possess but limited faculties of observation. But I doubt if any one of weight or character will hazard a confirmation of the assertion made by the hon. and learned Member for Sheffield, that the people of England regard the people of Ireland as politically undistinguishable from themselves, and that Parliament is prepared to make laws in future for the two communities in one and the same spirit. I totally disbelieve both propositions: I utterly disbelieve in the alleged disposition to legislate for Ireland—not in the same words or forms, but—in the same just, forbearing, and considerate temper which characterises legislation for Great Britain. And how is it conceivable, that while a jealous, distrustful, and severing spirit pervades the making of laws, you can hope to reduce their administration to moral or intelligible unity? I have no particular love for an obsolete office. I set little store on the perpetuation of a title somewhat, it must be owned, out of date. Still less do I care for the dingy pomp of Viceroyalty. What I desire above and beyond all else is to see the business of the country well done, and therefore done where alone it can be efficiently done—on the spot. For business so done you may and can exact responsibility at that table; but for business ill done, or left undone in Downing-street, we should never be able to enforce any responsibility at all. With respect to the other great duty of a constitutional Ministry, that of originating measures of change in the law, the consequences of adopting the present proposal would be equally injurious. The words of Lord Bacon have grown almost proverbial, that "laws they are not, which public opinion hath not made." But whose opinion did the wise man mean to declare thus indispensable? Manifestly that of those on whom the laws are to be imposed, and whose willing assent it is of so much value to reckon upon. A sagacious and liberal Government is careful to ascertain, and prompt to embody in permanent forms of law, the opinions of the community, or of the better portion thereof. This may not always be easy to ascertain. Not unfrequently the predominant feeling or sense of the public is matter of dispute. But the duty of those who fill the station of Ministers is so far plain, that they are bound to use all diligence, and to avail themselves of the best means in their power for ascertaining what public opinion upon each important subject is, and to take nothing on trust or at second hand where there is danger of their being deceived, and where opportunities are open to them of judging for themselves. But what is the use of affected assent to these incontestable principles, if the essential consideration is silently evaded—what public opinion is to be consulted? In points of imperial policy the range of inquiry ought to be imperial, and any may be consulted where all are concerned. But where measures are strictly limited to one-third of the empire, ought not especial care to be taken that the sentiments of that particular portion should be heard, and examined, and weighed? And how is this practically possible if the Minister whose especial duty it is to frame laws and alterations in laws for Ireland, is as a matter of course to reside and transact the business of his department all the year round in London? Is he to take his notions of public opinion in Ireland from the hungry and pliant crew—high-born or humble it signifies not—who crowd the steps of every department, and eagerly wait for a propitious moment when they may pour the tale they imagine best calculated to please, into the ear of one who has favours to bestow? Is it only what is agreeable to his humour, or what jumps with his preconceptions, that it is needful a Minister should hear? Or is it only from the lips of the importunate, the intrusive, or the intriguing, that he is to learn by personal observation the state of a nation? If the noble Lord (Lord J. Russell), were Irish Minister, would he not rather seek to know what were the real feelings and thoughts of the middle classes of the community—those classes whose worth was regarded, and justly regarded in this fortunate country, as the true ballast of the State? But how could a Minister permanently resident in London come at the genuine thoughts and feelings of these classes in Ireland? Police reports daily received and duly noted when read, may give a Minister very accurate notions of all that is evil, and barren, and vile; but out of police reports, no Minister with heart to conceive any project of popular amelioration, or intellect capable of working out such a scheme, will ever glean the knowledge that he requires. In Ireland, the classes to whom I allude, for the most part possess but limited means; and from too long neglect and depression they are but ill fitted to make their sentiments heard on questions of unattractive and unexciting detail, by a distant and unknown Minister. The consequence would be, that while their opinions and wishes remain unheeded, in their name a restless and selfish cabal would ever beset the department here; and instead of the free and varied reflection of the national mind, there would be nothing but the worthless suggestions and promptings of an insignificant oligarchy. I cannot regard such a result as in any degree tending towards improvement or progress. I cannot believe that executive responsibility will thus be rendered greater; on the contrary, I am persuaded that it will, of necessity, be rendered far less. Irish Peers and Members of Parliament may gain somewhat in personal influence; but it will be at the cost of their country, and in a political sense the change will deserve not the title of gain. It has, I know, been said by those who would sweep away every vestige of a distinct department, and who would make the Home Office discharge the same functions for both kingdoms, that however partial and unequal past legislation may have been, in future everything shall be uniform, and imperial assimilation shall become the inflexible order of the day. Now, if you expect us to credit this marvellous change in your Parliamentary ways of thinking and acting, you ought to show us some sign whereby we may know that you are in earnest in promising it; you ought to point out some of the symptoms from which we may fairly infer that its coming is nigh at hand. For my part I have sought diligently, but hitherto most unsuccessfully, for any such symptom or sign. Neither within the Statute-book, nor without, have I been able as yet to find any trace of an altered spirit of legislation for Ireland; any proof of even an intermittent distrust towards her. Let me not be mistaken as making any complaint that the two islands have not the same laws. The theory of assimilation is that of the hon. Member for Sheffield: it is not mine. What we desire is equal, not identical, institutions. To be truly equal, they cannot, in my opinion, be the same. The habits and wants of the two nations are not identical; how then can you satisfy them alike if you do not vary, adapt, and suit their respective laws to each? What I do complain of is, that not only is the letter of legislation different, but that the spirit is wholly and essentially diverse. And when by way of a remedy it is proposed that, fit or unfit, suitable or the contrary, the selfsame enactments shall be made without distinction for both, so as to secure the semblance and show of imperial impartiality; we are left to search in vain for even a trial of this clumsy experiment in national justice. We have for years past been continually assured that the old system in this respect was about to be given up; that a reformed Parliament would certainly deal quite differently with Ireland; that the Union would at length be made real; and that, for better for worse, we should dwelt in the same constitutional home, and partake of the same political fare. Well, is it so? Why, the mere enumeration of statutes made in the two last years, would convince the most credulous dreamer of amended rule, that not even a beginning as yet has been made in the way of assimilation. In the Session of 1844 you passed 133 "public and general Acts" as they are termed in the Statute-book. Many of these are in point of fact strictly local, and the title of "public" seems oddly enough applied to several others. So that in truth it may be fairly assumed that not above 100 deserve the designation of national statutes. Well, of these no fewer than twenty-five, or a fourth of the whole, are limited in their operation to Ireland only; while of those which were meant to extend the provisions of English enactments to that country, there are to be found but four. Will it be said that nevertheless the tendency is towards assimilation? Let us see. In the following year, 1849, the public and general statutes passed were 111, from which we should, for any purpose of legitimate comparison, deduct a considerable number as being but technically distinguished from "local" Acts. Out of these, no less than thirty-two were exclusively applicable to Ireland; and of assimilating statutes, there were during the Session but three; so that the proportion of separate and distinct laws made by the present Parliament appears to be rather upon the increase than otherwise. You find it impossible to assimilate the forms, and you are not prepared to equalise the spirit of legislation: yet you ask us to consent that the administration should be concentrated in a single hand and in a single place, while the enactments to be administered continue to be utterly dissimilar. The noble Lord at the head of the Government lays claim on behalf of Parliament to Irish gratitude, on account of the Franchise Bill. It will be time enough, I think, for the people of Ireland to make up their minds regarding that measure when they have got it. Rumour may be deceptive on this as on other subjects; but as far as those who are not in the secrets of party elsewhere can venture to form a conjecture, it seems to be still exceedingly doubtful how much of that measure we are likely to get. But however and whenever passed, I must frankly say that in my judgment no claim of gratitude can or ought to be made for the tardy payment of such a debt so long overdue. In conclusion, I can only repeat that while I have no objection that the title of Viceroy, and the ceremonial connected with that ancient office should be abolished, and to the substitution of a Minister of State for Ireland, with a seat in the Cabinet, I cannot assent to the annihilation of all the means of local government in Ireland, or the concentration of all administrative authority in London. I believe that so long as the institutions of the two kingdoms differ in the most essential features, you may compound but you cannot unite their responsible government. You may detach and disgust the middle classes by shutting them out from every opportunity of making their sentiments understood; you may drive the working classes into a more deep and dark sense of the hopelessness of their condition under your system of rule; but the peace of Ireland you will not secure, and the unity of the empire you will not consolidate, by this Bill. It will gratify an absentee gentry, it will fulfil the anticipations of theorists, and conciliate the applause of bureaucratic cliques; but it will tend to enfeeble authority in Ireland, and render you more dependent than ever for the maintenance of order and tranquillity there upon the strength of your garrison.

MR. SHEIL: The fervid nationality of my hon. Friend the Member for Dundalk has overcome, in this instance, his habitually admirable good sense. His criticism on the details of the Bill, which is at least as minute as it is accurate, does not touch the principle. He has throughout assumed that the Minister for Ireland is not to visit that country. This is a misapprehension. That functionary ought to have a perfect knowledge of Ireland, and be conversant with our policy, our feelings, our prejudices, our passions, our good qualities, and our imperfections; and there can be no doubt that his residence in Ireland must be conducive to that knowledge, and is to be desired. I have risen, Sir, with a view to prove two things: first, that the Lord Lieutenancy is worse than useless; and, secondly, that the Government of Ireland ought not to be absorbed in the Home Office. There was a time when the Lord Lieutenancy was made subservient to the policy upon which the Government of Ireland was carried on; when Ireland was governed, through the chief proprietors of the country, upon principles which were not more Protestant than they were aristocratic; when the Irish gentry were the sole depositories of political power, and the entire patronage of the Crown circulated in a lucrative monopoly through that contracted channel; when they commanded the representation of almost every county, and the nomination of almost every borough in Ireland, and the Minister, not only not unnaturally, but almost inevitably, looked to them for Parliamentary sustainment. The Irish Lord Lieutenant, a nobleman of high rank and consideration, surrounded with the apparatus of a court, made the Castle the point of political and social centralisation, and attracted the small but powerful class in which the exclusiveness of fashion and the intolerance of faction were combined. That a considerable influence was exercised by the Irish Executive through their instrumentality cannot be doubted; but suddenly the foundation on which this artificial fabric was constructed gave way. Catholic emancipation was carried; it was followed by Parliamentary reform. Power was almost immediately transferred from the favoured and manageable few to the multifarious and unmanageable many. The Lord Lieutenant was denuded of all influence; he was unable materially to effect the return of a single Member of Parliament; and what had been an engine of State was converted into a mere scenic machine for the very imperfect representation of Royalty on a very provincial stage. The spectators are weary of the exhibition, and it is time that the theatre should be closed. Let us get rid of the Irish Court, which is, after all, a badge of colonial inferiority. Let us get rid of the Malvolio dignity of the retainers of this mimetic institution. Let this glittering superfluity —I dare not call it this gaudy nuisance— be put aside, and in lieu of all this mockery let us give the opportunity to the Irish people to give to the Sovereign of that great empire, of which Ireland constitutes a part so important, that frequent welcome which will never fail to come in fervour from the nation's heart, and of which, by its reiteration, the enthusiasm will never be impaired. I pass to the important question, whether Ireland should be merged in the Home Office? I think the duties of that department too onerous. It will be deemed presumption on my part to differ from the Member for Tamworth, who filled that office, and conferred lustre upon it. I cannot help thinking that the right hon. Gentleman is the least competent witness on the subject; because, gifted with Atlantean faculties, he judges of the power of other men to sustain a mighty burden by his own. He could perhaps keep back England with one hand, and stay Ireland with the other; but this achievement is not given to others to perform. The hon. Baronet alluded to the 10th of April. If circumstances should arise analogous to those under which, two years ago, so much energy, so much firmness, and so much moderation were exhibited by my right hon. Friend, when with the constable's staff he struck insurrection down, do you think that England and her peace would not give him enough to do? Ireland, with her millions, her distresses, and her dangers, would not fit in the Home Office. The Home Office would not hold her. Look at Ireland. Don't shut your eyes. Don't endeavour not to see the evils to which she is subject, and the hazards to which she is exposed. Ireland is passing through a frightful ordeal, to which the gentle and mitigated name of "transition" is sometimes applied. Ireland has not yet adapted herself to that terrible novelty—that dire necessity—the Irish Poor Law. The Commission for the Sale of Encumbered Estates is proceeding with a rapidity which divests the law of its proverbial procrastination. Great as the good it will do in many regards, it will throw hundreds of well-born and well-instructed men upon the world; and it is not necessary to tell you that ruin is the recruit of agitation. Vast assemblages of the peasantry are held in various parts of the country, where an agrarian code is propounded, and the liabilities of landlords and the prerogatives of tenants are defined. At the head of these assemblies stand the priesthood—Catholic and Presbyterian. I could say much more than I choose to utter; but I have said enough to show you that the state of Ireland must long engross the undivided thought and the undistracted solicitude of the man to whose care she shall be consigned. But is the administration of Ireland to continue distinct for ever? I do not mean to say so. But great changes must first take place in Ireland, which we may not live to witness, but to which we may even now remotely contribute. When the moral aspect of Ireland shall have changed—when she shall have passed through a process of social and political amelioration—when the disaffection which is still smouldering shall be extinct—when the embers, still pregnant with fire, living though latent, shall grow cold—when the rights of property and the rights of poverty (for poverty has its rights as well as property) shall be reconciled and adjusted—when an Irish landlord shall learn to look on a poor-house, not as a memorial of extortion, but as a monument of public mercy—when you shall adapt your institutions to Ireland, and give up the idle endeavour of adapting Ireland to your institutions—when the Parliament shall give the Government leave, or, I should rather say, when the people of England shall give the Parliament leave to do what it is so hard to do, but what every man who has the least acquaintance with Ireland pronounces it to be, for the purposes of wellbeing, and even of safety, indispensable to accomplish—when, I say, these things shall have come to pass, then, and not till then, let the administration of England, of Scotland, of Ireland, be as indivisible as the realm; but until then, in the interval—long, perhaps, in reference to individual existence, but short in reference to a nation's life—let us wisely abstain from adding to the weight of toil and care necessarily incidental to the internal administration of this great island a cumulative load of labour and of solicitude, which it would require a rare and almost hopeless combination of intellectual power and of physical endurance to sustain.

Mr. DISRAELI: Sir, when I heard the right hon. Gentleman who has just sat down allude to the fervid appeals of the hon. and learned Gentleman the Member for Dundalk, and then listened to his own glowing address, I was surprised; but more so when I found his rhetoric clothed an argument in favour of an office which he rose to abolish. "I will prove," he says, "that the Castle of Dublin has undergone a great revolution—that all corrupt influence there is at an end, and because it is pure that is the first reason I would abolish it." "But," said the right hon. Gentleman, "I have another reason—the situation of Ireland is most perilous—her situation cannot be compared to the situation of other countries;" and the right hon. Gentleman, having painted her situation in most forcible terms, says, "I am for destroying the form of government which is already established, and which hitherto has successfully coped with these dangers. Sir, I feel the difficulty of the question before the House. On the only division which has taken place, I recorded my vote with Her Majesty's Ministers, for I thought it was but Parliamentary courtesy to permit a Minister to introduce a measure; but at the same time I intimated some objections, which appeared to me on the face of the scheme, as worthy of the attention of the House. Since then I have had the opportunity, in common with other hon. Members, of perusing the Bill then introduced, and since then I have listened attentively to the speeches of Members on both sides of the House; but, after a careful consideration, I can arrive at no conclusion which shakes the general opinion I then expressed, and in maintaining that conclusion, I am sure I am not misled by any party feeling. Indeed, it is a question on which no feeling exists which might endanger the existence of a Government, and that I think a fortunate circumstance. I should therefore probably have given a silent vote, if I had not had a strong conviction that the measure is a most unwise one — that it is a measure that will not work—that it is not a deeply-considered and finely-matured measure—and that before long the country and the House will recognise in unexpected disasters its consequences. That is why I would express my reasons for the conclusions at which I have arrived. What is the principle of this Bill? The right hon. Gentleman the Home Secretary found it convenient to impress upon the House that the principle was simply the abolition or maintenance of the Lord Lieutenancy. There I entirely differ from the right hon. Baronet. The principle of the Bill is expressed in its title, "to provide for the abolition of the office of Lord Lieutenant of Ireland, and for the appointment of a fourth Secretary of State." The appointment of a fourth Secretary of State is as much the principle of the Bill as the abolition of the Lord Lieutenancy. The right hon. Baronet treated that, however, as a mere matter of detail, and held out to the House that the appointment of the fourth Secretaryship was a matter which might be corrected in Committee. It is not, however, a matter of detail. When you have voted for the principle of this Bill, you will have but little chance of recording a negative opinion in Committee on this point. But I will argue the case on the ground which the right hon. Gentleman has chosen, I think unfairly. I will admit, for the sake of the argument, that the principle of the Bill is simply the abolition of the Lord Lieutenancy. Then what is the object of the Bill? It is to abolish an office which has been in existence for centuries, and, modified by modern experience, and, adapted to modern practices, has flourished for at least fifty years —an office which, I think, has been victoriously vindicated by the hon. Member for Mayo and other hon. Gentlemen. But if you are about to abolish an office which has existed for centuries, and which, even according to modern practice, has worked well for half a century, what are you going to substitute for it? Whatever opinions hon. Members may entertain of the office—although some may think it feeble, some corrupt, some that it is inadequate to the difficulties, and others that it is unable to cope with the necessities of the times—no man ought to vote for its abolition unless he be prepared to approve of that which is to be substituted for it. This is not the first time a new Secretary has been proposed for institution by a Ministry, and assented to by the House. A third Secretary was proposed by the Prime Minister of England, as Secretary for the Colonies, in 1768. The plantations of England were so prosperous, the colonial interests of England had developed themselves in so striking and satisfactory a manner, that the ancient mode of administration under which this had taken place was not deemed adequate to its management, and caused the Minister to come forward in 1768, and propose a third Secretary of State, in order to manage our colonies. What was the consequence? Ten years afterwards we lost our colonies, in consequence of the management of the new Secretary. The new Secretary was appointed to foster the fortunes of our plantations in America, and ten years afterwards the plantations in America did not belong to England. The precedent is so unfortunate, that I cannot help looking with suspicion on this proposal to substitute a fourth Secretary of State for the ancient form of administration in Ireland. Let the House well remember the words used by Mr. Pitt in proposing the Union. "My object is to place under one public will the direction of the whole force of the empire." I want to know from Her Majesty's Ministers whether their proposal to create a fourth Secretary of State is calculated to realise the plan of Mr. Pitt? Not a single argument have I heard to show that the appointment of a fourth Secretary will have a tendency to "place under one public will the whole force of the empire." On the contrary, it is evident when you call into being a great Ministerial officer, second to none but the First Minister of the Crown, that, proud, and justly proud, of his position, he will stand upon the rights of his office, and will not allow the general tenor of the policy adopted to be any one's but his own. It is possible that that policy may be a wise one; but still it will not be that of the Cabinet, except by consent—at any rate, there will not be that unity of will spoken of by Mr. Pitt any more than under the old form of government. Is it intended that the fourth Secretary shall be resident in Ireland? I want an answer to that question. If he be resident in Ireland he is a governor, and all the alleged evil consequences of the present system—which I am not prepared to recognise—must again occur. If he be not resident in Ireland, he must depend upon the subordinates of his office; and how, under those circumstances, will the Government be freed from local management and local influences? The difference between the new system and the old system will be, that under the latter we had local management by an officer of exalted position and high character; and under the new system we shall have local management under obscure and intriguing persons. But then it is said that the office of the Lord Lieutenant is an anomalous office. Are anomalies so rare in this ancient country, that the moment an office becomes anomalous it ought to be destroyed? Does everything exist here by the force of pure reason? On the contrary, everybody knows we have prescription and prejudice without stint; but are not prescription and prejudice sources of strength which no wise statesman would throw away, and certainly not unless he had something to propose in their stead a little more matured than the present scheme. The Lord Mayor of London is an anomalous office. His real position and his general reputation are so contradictory that no foreigner could understand them; and yet the Lord Mayor is treated almost with royal ceremonial. He has a mimic court; but is his a flimsy existence or not? Its consequences are very substantial. It is an office which has contributed to the liberty of this country, and to the maintenance of our public spirit, and yet not an argument against the anomalous mimic Court of Dublin has been used that will not apply to that chief magistrate who has made some figure in the history of England. And here I cannot help making a remark on what has fallen from the right hon. Baronet the Member for Tamworth, who, like that distinguished orator the Master of the Mint, appears to me to have delivered a most unanswerable speech against the measure. The right hon. Baronet—and every word which fell from his lips was in fact an armoury, from which every opponent of this measure may find a weapon—closed his address, notwithstanding, by saying that he should support the Bill as an experiment. I must say I have no great taste for experimental legislation. I have seen a great many things introduced into this House as experiments, which, in my opinion, have not succeeded. Not to touch on subjects which might create ill blood, I might remind the House that the income tax was an experiment—an experiment, too, which will take a long time in its solution. I must, however, make one observation on the speech of the right hon. Gentleman. While he consents to the abrogation of this high, ancient, and, as I believe, most useful office, touched doubtless with some generous reminiscences of the distinguished years which he passed in Dublin, he added that he could only do so upon certain terms, namely, that the citizens of Dublin shall receive an equitable and liberal compensation. Now, really, before we go to a vote, I think we ought to have some explanation of such a peculiar phrase from such a high quarter. "Equitable and liberal compensation" comprises a great deal. What I recommend to the citizens of Dublin and to their representatives, is to press for some distinct definition. I know the unhappy class with which I have some connexion were once promised compensation. That promise was never forgotten, and never fulfilled. If the citizens of Dublin are not to have more liberal compensation than the agricultural interest, I recommend them to omit making use of no means of opposing this Bill; and I advise thim not to suppose that if they give their assent to the present stage they will find hereafter something that will console them. Truly, I think that the right hon. Baronet, considering that he has been once Prime Minister of this country—that his fame peculiarly rests upon his financial knowledge—that he has always been remarkable for his great caution—that he is celebrated as a Minister for doing more than he promises—ought to give some explanation of what he means by "equitable and liberal compensation" to the citizens of Dublin for the abolition of the Lord Lieutenancy. For the life of me, I cannot annex an idea to the phrase. Ever since I heard it, I have puzzled my brain to discover what it could possibly mean. I have pictured to myself the countenance of a Prime Minister coming down to the House to propose a loan, and then its additional longitude when again he comes down to turn the loan into a gift. The amount—the character—the nature of this compensation are all most perplexing; and it is most important that on this point we should have definite information. There is another point on which I would remark. The right hon. Baronet threw out a pregnant hint to the Government that those sort of duties which are usually filled in foreign countries by the Minister of Justice might be transferred from the Secretary of State to the Lord Chancellor; so that the Lord Chancellor would have to decide on those important, interesting, and numerous cases which occur in Ireland with regard to the exercise of the prerogative of mercy. I differ entirely with the right hon. Baronet on that point. I do not think that the prerogative of mercy is one upon which a mere lawyer ought to be consulted. With the greatest respect to many of my friends in this House who belong to the long robe, I think they might be too much inclined to view such cases in a legal spirit. Those are cases in which a Cabinet Minister — a statesman — a man of the world—of large experience and accustomed to responsibility—would best advise the Sovereign. The point would, perhaps, be of less importance, but that a hint from such a significant quarter must be looked upon as being put forward to cut the knot of some of the difficulties which are involved in this measure. The Bill is brought forward as an experiment. I will take none of its responsibility—I will not have anything to do with such an experiment. I think the case which the Government have made out against the office a weak case, drawn from ancient prejudices, and founded on traditions long since obsolete. But if it were a case as complete and powerful as I think it partial and weak, I could not support it unless I found a better substitute for the office than the one proposed. I deny that the two subjects—the abolition of the one office, and the establishment of the other—are not necessarily connected. I say, both are necessarily and indissolubly connected; and that, in voting for the principle of the Bill, you cannot leave out that moiety which relates to the establishment of the fourth Secretary.

Sir R. H. INGLIS said, the gorgeous eloquence, he might say poetry, of the right hon. Gentleman the Master of the Mint, and the perpetual exhibition of fireworks with which he had dazzled them, could not make him overlook the close of his speech, rendered significant by the cheers with which it was greeted, and the quarter from which those cheers came, when he said he regarded the measure as chiefly valuable because it gave him reason to hope when there was one uniform system of administration, and when the great operations of centralisation were fixed here, that the early dream of his boyhood would be accomplished. Now, who would contradict him (Sir R. Inglis) when he affirmed that the object to which the right hon. Gentleman alluded was the establishment of the Church of Rome in the kingdom of Ireland? He would ever oppose a proposition to which such a tendency could be assigned; and he begged to ask the noble Lord at the head of the Government and the right hon. Baronet the Member for Tamworth, how they had ruled the country so long without bringing forward a measure they now thought of such importance to its destinies? In 1844 both parties were agreed in stating the time had not come for the abolition of the office. The whole argument in favour of it now must rest, therefore, on what had occurred between 1844 and 1850; but he would appeal to the House if, in January 1850, any one could have anticipated Government would have brought forward this measure. Having heard nothing in 1850 which would have induced him, if it had been stated in 1844, to vote for the Bill, and having listened to the whole speech of the hon. and learned Member for the University of Dublin, which seemed quite conclusive, he was not prepared to vote for the Bill.

Mr. REYNOLDS begged to tender to the hon. Member for Buckinghamshire, on behalf of his constituents, his sincere thanks for the suggestion he had thrown out as to the compensation of which the right hon. Baronet the Member for Tamworth spoke; and would endeavour to avail himself of that suggestion, if necessary.

It would, he feared, prove ultimately but a shadow and a sound; because he recollected when the noble Lord stated Dublin would not suffer so much loss, because Her Majesty would pay an occasional visit, he (Mr. Reynolds) had asked the noble Lord to insert a clause to that effect, and had been answered only by a nod, which satisfied him the clause would not be inserted. He wished to declare that the citizens of Dublin never had advocated the retention of the office on the narrow grounds put forward by the hon. Member for Mayo, but believed that the abolition of the Lord Lieutenancy, while especially injurious to Dublin, would prove detrimental to Ireland generally. The right hon. Baronet the Member for Tamworth had admitted he entertained some doubts as to the wisdom and necessity of the measure. He wished the right hon. Gentleman had given Ireland the benefit of his doubts. As a question of argument very little had been urged for the abolition—indeed, the only substantial argument for the measure was "the Conway tube." The right hon. Gentleman the Master of the Mint had pointed out, as a consolation, that the fourth Secretary would visit Dublin occasionally, but had not stated where he would take up his quarters. He (Mr. Reynolds) supposed it would be at "the Hibernian," or "the Gresham," and that the morning papers would announce the arrival of this locomotive specimen of British legislation at some hotel, which would be very good places to stop at, as he might receive very valuable information from the waiters. It occurred to him that Government were not anxious about the measure, and would be happy to make a creditable and satisfactory retreat from it; and, as one of their supporters and sincere friends, he would rejoice if they were rescued from their dilemma. They said, "Ireland has been badly governed, therefore remove the Lord Lieutenant." Now, he (Mr. Reynolds) condemned all references to those angry portions of history; because they were calculated to do much evil, and no good; and he would not, therefore, allude to the atrocities committed in the reign of Oliver Cromwell, or in the time of his royal successors in Ireland; but he would draw a distinction between the English of the past and of the present day, and he believed the latter were desirous of doing justice to his country. Would it be doing justice, however, if they were to substitute for the Lord Lieutenant a fourth Secretary—an Englishman, of course—who would reside in England—who would have no connexion with Ireland, and possessed no knowledge of the people? In conclusion, he could only say, that if he wished to cut the painter between the two countries, and to introduce republican principles, he would vote for this measure; and he could assure the House he had not met a man discontented with British connexion who had not rejoiced at the proposal. He implored the House to reject a measure which would inflict one more blow on his unfortunate country.

COLONEL THOMPSON was sure there were many English Members who like himself were unwilling to pass under the sweeping description of following the beck of the Government without any reason being offered for the course they were adopting. He was surprised to find that during the long debates which had taken place, no reference had been made to a great precedent—a grand experiment, though confined perhaps to the negative part of the argument—he meant the precedent of Scotland. He would ask whether the condition of that country a century ago, was not as bad as anything that can exist in Ireland, and whether every one of the arguments employed against the abolition of the Lord Lieutenancy might not equally have been urged in the case of Scotland, had such an office existed? John of Groat's House, it might have been argued, was so far off, and it was so difficult to get information without being at least as near as Edinburgh, and the communication across the border was so liable to be interrupted by floods and snow. But, for all that, was there any Scottish Member who would aver that the complete union with England had not greatly improved the country which he represented? The reason why he and other English Members would support the Bill, was simply because they believed the Lord Lieutenancy had always been, and especially in worse times than the present, the centre of the accumulations of evil which had afflicted Ireland. Who was the first Lord Lieutenant? Was it Strongbow? If not, it ought to have been. As an Englishman who admitted that there had been an almost incessant course of ill-treatment to Ireland, he formed this opinion of the office and its tendencies. He heartily agreed in the sentiment expressed by the hon. Member who led the opposition to the Bill, as to the danger to be apprehended on the side of America. He (Colonel Thompson) believed that America would soon look with the same eye upon Ireland as she was now looking upon Cuba. He was strengthened in that belief by the sentiments expressed, not indeed in a communication from an American Secretary of State—for Secretaries of State were not given to be communicative on such points—but in a document put into the hands of every American man, woman, and child, that landed in England—a book that like Peter Pindar's razors was made to sell, and therefore it was quite certain did not designedly run counter to public opinion in America; in short, the American Guide-book for England, entitled the *Tourist's Guide, or Pencillings in England*, published in Philadelphia. With the permission of the House, he would quote a passage:—

> "While standing on the summit of the tower (at Windsor), the royal standard of England was proudly thowing out its silken folds to the southern breeze from the lofty pinnacle above, giving notice to all that royalty revelled in the banquetting-hall of Windsor Castle, and that its warders were on duty at their watch towers. While gazing and listening at the flapping of the royal banner, as if proud of its lofty height, I thought that the time would come, and probably the child was then born in the western world who would live to see yon silken banner give place to the stars and stripes of America, whose mandates would go forth from those massive portals below, dictating to the world, commanding nations to honour and respect the modest bunting that waved in signal triumph from the towers of Windsor Castle."

These aspirations were significant, and the danger would be increased from many causes. Among others, there would no doubt be a number in Ireland, and perhaps in England, who would be swayed by the desire of a republican form of government; though he should have thought that late events both in France and in America had shown that the election of the head of the State, was the weak point in their form of government. But the danger would still be there; and everything pointed to the fact, that a few years hence England and Ireland must be as completely united as England and Scotland are, or there would be an open door for the admission of foreign domination to them all. Providence in its good-will appeared to have removed the barriers between the two countries; for if the last newspaper did not misinform the public, the passage between Dublin and Liverpool was reduced to fourpence. He hoped Irish Members would not take it ill from him, for he never addressed himself to an Irishman without a feeling of comradeship; but he really thought Irishmen were making a mistake like that of the native American chieftain to whom the Spaniards sent chains under the guise of ornaments, and who did not discover his error till he found himself a prisoner in the Spanish camp.

MR. P. S. BUTLER said, that he thought it his duty to his constituents not to give a silent vote on this occasion. He would allude to a speech made by the right hon. Baronet the Member for Tamworth in the year 1844, when that right hon. Gentleman expressed his belief that absenteeism was the greatest curse upon Ireland. The abolition of the Lord Lieutenant would increase absenteeism. The opinion of Dean Swift was—

> "That a people long used to hardships lose by degrees the very notion of liberty; they look on themselves as creatures at the mercy of a Government, and feel that all impositions laid on them by a strong hand are legal and obligatory; hence proceeds the poverty and lowness of spirits to which a kingdom as well as an individual may be subjected."

That opinion applied to Ireland at the present day. He suggested that, as in olden times, the relatives of the Sovereign should fill the high office of Lord Lieutenant, and when the young princes came of age they ought to be sent over to represent their Sovereign in Ireland. He wished not to give a silent vote, but at the same time he was not one of those Members who were in the habit of retiring to their closets to prepare their speeches, which they came down and delivered like parrots. He greatly regretted that he was obliged to differ in opinion from, and vote contrary to, many hon. Gentlemen from Ireland. He had the misfortune also conscientiously to differ from the noble Lord at the head of the Government, whose policy he had always admired, and whom he hoped he would be able to continue to support. He should on this occasion go into that lobby where he hoped to find a few honest men, and a few sympathising Englishmen, who would conscientiously vote against this Bill for the abolition of the Lord Lieutenancy of Ireland, which would alienate the people of that country from England, and inflict great harm on both.

Question put.

The House divided:—Ayes 295; Noes 70: Majority 225.

List of the AYES.

Acland, Sir T. D.
Adair, H E.
Adair, R. A. S.
Anson, hon. Col.
Archdall, Capt. M.
Armstrong, Sir A.

Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Benbow, J.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackstone, W. S.
Blair, S.
Blewitt, R. J.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Bright, J.
Brisco, M.
Broadley, H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Browne, R. D.
Bruce, Lord E.
Bunbury, E. H.
Burke, Sir T. J.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carter, J. B.
Caulfeild, J. M.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Currie, R.
Dalrymple, Capt.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Drummond, H. H.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Evelyn, W. J.
Ewart, W.
Fagan, W.
Farnham, E. B.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goddard, A. L.
Gooch, E. S.
Goulburn, rt. hon. H.
Greenall, G.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hale, R. B.
Hall, Sir B.
Hallyburton, Lord J. F.
Halsey, T. P.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heneage, G. H. W.
Heneage, E.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Hildyard, T. B. T.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, A.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hughes, W. B.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Keating, R.
Keogh, W.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Leslie, C. P.
Lewis, G. C.
Loch, J.
Locke, J.
Lockhart, W.
Lowther, hon. Col.
Lushington, C.
Lygon, hon. Gen.
Mackie, J.
Mackinnon, W. A.
Macnaghten, Sir E.
M'Gregor, J.
Meagher, T.
Mangles, R. D.
Marshall J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Meux, Sir H.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Monsell, W.
Moody, C. A.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Naas, Lord
Newport, Visct.
Newry and Morne, Visct.
Noel, hon. G. J.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Palmer, R.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Sir G. B.
Peel, rt. hon. Sir R.
Peel, F.
Pelham, hon. D. A.
Pennant, hon. Col.
Perfect, R.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Portal, M.
Powlett, Lord W.
Pugh, D.
Pusey, P.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rushout, Capt.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Sadleir, J.
Salwey, Col.
Sandars, J.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Smollett, A.
Somerville, rt. hon. Sir W
Spearman, H. J.
Stanley, hon. E. H.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, H.
Sutton, J. H. M.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Tufnell, H.
Turner, G. J.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Walpole, S. H.
Watkins, Col. L.
Wawn, J. T.
Wegg-Prosser, F. R.
Welby, G. E.
Westhead, J. P. B.
Wilcox, B. M.
Williams, J.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wynn, Sir W. W.
Wyvill, M.
Young, Sir J.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the NOES.

Alexander, N.
Anstey, T. C.
Arkwright, G.
Bankes, G.
Berkeley, hon. H. F.
Best, J.
Blackall, S. W.
Boldero, H. G.
Bremridge, R.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Butler, P. S.
Cabbell, B. B.
Chatterton, Col.
Chichester, Lord J. L.
Christy, S.
Crawford, W. S.
Devereux, J. T.
Dickson, S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Duncombe, hon. O.
Dunne, Col.
Edwards, H.
Fagan, J.
Farrer, J.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Frewen, C. H.
Gore, W. O.
Grace, O. D. J.
Granby, Marq. of
Grogan, E.
Hamilton, J. H.
Hildyard, R. C.
Hood, Sir A.
Hornby, J.
Inglis, Sir R. H.
Mackenzie, W. F.
M'Cullagh, W. T.
Mahon, The O'Gorman
Manners, Lord C. S.
Manners, Lord J.
Moore, G. H.
Mullings, J. R.
Napier, J.
Neeld, J.
Nugent, Sir P.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, M.
Reynolds, J.
Roche, E. B.
Scully, F.
Sibthorp, Col.
Smythe, hon. G.
Stanley, E.
Stuart, J.
Sullivan, M.
Talbot, J. H.
Taylor, T. E.
Tenison, E. K.
Thornhill, G.
Villiers, hon. F. W. C.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.

TELLERS.
Grattan, H.
Hamilton, G. A.

Main Question put, and agreed to.

Bill read 2°, and committed for Monday, 1st July.

The House adjourned at a quarter before One o'clock.

PROTEST

Of Lord MONTEAGLE, Lord WODEHOUSE, *and* Lord ROSSIE (KINNAIRD), *against the Refusal to Hear Petitioners by Counsel, June* 10, 1850, *against the Australian Colonies Government Bill,* (p. 943.)

DISSENTIENT—

1. Because it is unjust to refuse hearing petitioners, who allege that they are deeply interested, by property and otherwise, in the Australian Colonies, and that they will be greatly prejudiced by the provisions of the Bill now before the House, should it pass into a law in its present stage.

2. Because this refusal to hear counsel is contrary to precedents laid down by the House in analogous cases; more especially on the 5th February, 1838, when the agent of the Assembly of Lower Canada was heard against the Canada Government Bill; and on the 28th June, 1839, when the agent for Jamaica, as well as counsel for private petitioners, were heard against the Jamaica Bill.

3. Because the refusal to hear petitioners, who, from former residence in Australia, from the possession of property there, and from the political functions with which they have been entrusted, have a claim to be heard, is peculiarly injurious in a case like the present, where a Bill is under consideration, containing enactments not defended on their own merits, but by an assertion of the state of public feeling in the Colony, and by the degree of acceptance which those enactments may have received.

4. Because it is salutary and most politic at all times, and more especially in cases where the interests of great and distant colonial communities are involved, to prove, by the course adopted in Parliament, that this House acts with wise caution and consideration, and will be ready to receive all information that is tendered on behalf of those subjects of Her Majesty who, though not directly represented in the Imperial Legislature, are entitled to claim our sympathy and our protection.

5. Because we are fearful that this refusal to hear the petitioners, and the rash and precipitate prosecution of this Bill in the absence of the information thus tendered, but rejected, cannot but produce local discontent, and may suggest an inference that the Imperial Parliament is careless or indifferent in respect to a measure on which depends the future well-being of the Australian Colonies, and the establishment of a legislature founded on those constitutional principles which have been found in the mother country the best securities for liberty and for order.

MONTEAGLE OF BRANDON.
WODEHOUSE.
ROSSIE (KINNAIRD).

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXI.

BEING THE FOURTH VOLUME OF SESSION 1850.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.— *l.*, Lords.— *c.*, Commons. — *m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.— *p. q.*, Previous Question.— *r. p.*, Report Progress.—*A.*, Ayes.— *N.*, Noes.—*M.*, Majority.— 1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus*, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of
Cuban Expedition, The, 874, 878
Greece, Affairs of, 1350, 1370

ABINGER, Lord
Australian Colonies Government, Com. 1042

Accidents on Railways Bill,
c. 1R.* 980

Acts of Parliament Abbreviation Bill,
c. 2R.* 166 ; Rep.* 384 ; 3R.* 528
l. Royal Assent, 931

ADAIR, Mr. R. A. S., *Cambridge*
Burgess Lists, 2R. 1141

Addresses to Her Majesty,
c. Observations (Lord J. Russell), 1404

Administration of Criminal Justice Improvement Bill,
l. 3R.* 871
c. 1R.* 980 ; 2R.* 1404

ADVOCATE, The LORD (Rt. Hon. A. Rutherfurd), *Leith*
Marriages, Com. *cl.* 2, 146

AGLIONBY, Mr. H. A., *Cockermouth*
County Courts Extension, Com. *add. cl.* 1165, 1169
Factories, Com. 837, 847, 1236

AGLIONBY, Mr. H. A.—*continued.*
Landlord and Tenant, Com. *cl.* 1, 1121, 1123
Metropolitan Interments, Com. *cl.* 19, 860 ; *cl.* 20, 865
Railway Communication in India, 1113
Supply — New Houses of Parliament, 1004, 1007

Agricultural Distress,
l. Petition (Marquess of Salisbury), 370

ANSTEY, Mr. T. C., *Youghal*
Chancery, Court of, 2R. 1139
Coffee, Adulteration of, 269, 276, 279
Education, 2R. 756, 762
Elections (Ireland), 3R. *add. cl.* 460, 464
Factories, Com. 1270
French Ambassador, Recall of the, 168
Greece, Affairs of, 105
Lord Lieutenancy Abolition (Ireland), 2R. Amend. Adj. 1028, 1405
Marriages, Com. *cl.* 2, 135 ; *cl.* 6, 1198
Petitioning, Right of—Post Office Patronage 890, 891, 894
Post Office—Sabbath Labour, 720, 721
Prerogative, Court of (Ireland), 2R. 153

Appeals to the Privy Council from the Ecclesiastical Courts Bill,
l. 2R. 598 ; Amend. (Marquess of Lansdowne), 628, [*o. q.* Contents 51, Not-Contents 84, M. 33] 674

ARKWRIGHT, Mr. G., *Leominster*
Supply—Poor Law, Amend. 415, 417, 418

Army—Military Pensions,
l. Petition (Duke of Richmond), 871

ARUNDEL AND SURREY, Earl of, *Arundel*
Metropolitan Interments, Com. *cl.* 8, 709; *cl.* 27, 907
Westminster, Sewerage of, 1161

ASHLEY, Lord, *Bath*
Emigration of Orphan Children, 438
Factories, Com. 832; Amend. 846, 847, 855, 856, 1234
London (Watford), Spring Water Company, 2R. 14
Metropolitan Interments, Com. *cl.* 2, 698, 700; *cl.* 6, 707; *cl.* 7, 708; *cl.* 19, 857; *cl.* 20, 860, 861, 864, 866; *cl.* 23, 870; *cl.* 27, 909, 915; *cl.* 30, 925, 1071; *cl.* 32, 1075; *add. cl.* 1288, 1289
Metropolitan Waterworks, 2R. 15
Post Office, 466
Westminster, Sewerage of, 1161

Assessed Duties Repeal,
c. Leave, 311; Amend. (Chancellor of the Exchequer), 313, [A. 130, N. 65, M. 65] 315

ATTORNEY GENERAL, The (Sir J. Jervis), *Chester*
Brooke, Sir J., 302, 306
Chester and Holyhead Railway, 3R. *add. cl.* 385
County Courts Extension, Com. *add. cl.* 1162, 1163, 1164, 1165, 1166, 1169
Elections (Ireland), 3R. *add. cl.* 460
Factories, Com. 1265
Life Policies of Assurance (No. 2), Com. 107
Metropolitan Interments, Com. *cl.* 27, 905, 916; *cl.* 30, 927; *add. cl.* 1287
Prerogative, Court of (Ireland), Comm. 711
Supply—The Mint, 423, 424

Australian Colonies Government Bill,
l. 1R.* 1; Observations (Earl Grey), 426; 2R. 497; Motion (Lord Brougham), 943, [Contents 25, Not-Contents 33, M. 8] 956
Protest, 1467
Com. *ib.*, Amend. (Bishop of Oxford), 965, [*o. q.* Contents 21, Not-Contents 34, M. 13] 979; Amend. (Lord Monteagle), 1030, [Contents 20, Not-Contents 22, M. 2] 1047
cl. 5, 1048; *cl.* 8, *ib.*; *cl.* 14, 1050;
add. cl. (Lord Lyttelton), *ib.*, [Contents 18, Not-Contents 28, M. 10] 1055
add. cl. (Bishop of Oxford), 1056; Amend. withdrawn, 1067;
cl. 30, 1216; Amend. (Lord Stanley), 1220, [*o. q.* Contents 23, Not-Contents 22, M. 1] 1227;
cl. 31, 1228; *cl.* 35, 1230

BAILLIE, Mr. H. J., *Inverness-shire*
Greece, Affairs of, 716
London (Watford) Spring Water Company, 2R. 14

BAINES, Rt. Hon. M. T., *Hull*
Metropolitan Interments, Com. *add. cl.* 1286
Small Tenements Rating, 3R. 1144
Supply—Poor Law, 411, 413, 419, 420

BANKES, Mr. G., *Dorsetshire*
Assessed and Window Duties Repeal, Leave, 314
Commons, the New House of, 755, 756
Factories, Com. 1262
Supply—New Houses of Parliament, 344

BARING, Rt. Hon. Sir F. T., *Portsmouth*
Brooke, Sir J., 300, 302
Commissions of Inquiry, Expenses of, 287
Greece, Affairs of, Returns moved for, 235, 236
Navy Estimates, 287, 289, 291, 292, 293, 294, 300, 302
Ramsgate Harbour, Comm. moved for, 1086

BARNARD, Mr. E. G., *Greenwich*
Petitioning, Right of—Post Office Patronage, 892

BARRON, Sir H. W., *Waterford City*
Drainage and Improvement of Land Advances, Com. *cl.* 1, 883

BEAUMONT, Lord
Australian Colonies Government, 428
Cuban Expedition, The, 876, 877
Fees (Court of Common Pleas), 2R. 429
Greece, Affairs of, 1368, 1370
Incumbered Estates (Ireland) Act Amendment, 2R. 936, 938
Sunday Trading Prevention, Com. 5, 6; Rep. 715

BERESFORD, Major W., *Essex, W.*
Derby Day, Adjournment over the, 430
Lea, River Trust, 2R. 388
Metropolitan Interments, Com. *add. cl.* 1287, 1288
Prerogative Court of (Ireland), Comm. 710, 711, 712

BERKELEY, Rear Admiral M. F. F., *Gloucester*
Impressment of Seamen, 284

BERKELEY, Hon. G. C. G., *Gloucestershire, W.*
Corn, Foreign, Comm. moved for, 19, 96
Sugar Duties, 545

BERNAL, Mr. R., *Rochester*
Burgess Lists, 2R. 1141
Landlord and Tenant, Com. 1121
Local Acts, Com. moved for, 456
Metropolitan Improvements, Com. *cl.* 2, 697; *cl.* 19, 858; *cl.* 20, 865; *cl.* 30, 930, 1068
Supply—Buckingham Palace, 325

BLACKALL, Major S. W., *Longford*
Assessed and Window Duties Repeal, Leave, 311

BOLDERO, Capt. G. H., *Chippenham*
Metropolitan Interments, Com. *add. cl.* 1292
Supply—New Houses of Parliament, 332, 342

Borough Bridges Bill,
c. 1R.* 102

Borough Courts of Record (Ireland) Bill,
c. 1R.* 11 ; 2R.* 675 ; Rep.* 1231

Bouverie, Hon. E. P. *Renfrew, &c.*
Chancellor, The Lord, 432
Marriages, Com. *cl.* 2, 133
Metropolitan Interments, Com. Amend. 931
Prerogative, Court of (Ireland), 2R. 154

Bowles, Rear Admiral W., *Leominster*
Navy Estimates, 292

Brick Duties Bill,
l. Royal Assent, 158

Bright, Mr. J., *Manchester*
Brooke, Sir J., 298
Factories, Com. 842, 848, 851, 1236
Greece, Affairs of, Return moved for, 236
Lea River Trust, 2R. 388
Metropolitan Interments, Com. 689 ; *cl.* 23, 869, 870 ; *cl.* 27, 905, 909 ; Proviso, 914, 915, 916 ; *cl.* 30, 929 ; *cl.* 32, 1075
Navy Estimates, 289, 292
Prerogative, Court of (Ireland), Comm. 710
Supply—Poor Law, 410, 412, 413, 414, 416, 419 ;—Inspectors of Factories, 425

Brooke, Sir J.
c. Observations (Mr. Cobden), 294

Brotherton, Mr. J., *Salford*
Factories, Com. 841, 851, 855, 1277
Libraries, Public, and Museums, Com. *cl.* 1, Amend. 1178
Petitioning, Right of—Post Office Patronage, 894
Small Tenements Rating, 3R. 1144
Wood used in Shipbuilding, Res. Amend., 307

Brougham, Lord
Appeals to the Privy Council, &c., 2R. 628, 629, 653
Australian Colonies Government, 943, 953, 955, 956
Chancery, Court of, Returns moved for, 369
Chancery Court of Appeal, 2R. 1199
Cuban Expedition, The, 872, 873, 874, 875, 877
French Ambassador, Departure of the, 101, 102, 159, 164, 165, 166
Greece, Affairs of, 1398
Post Office, Sunday Labour in, 293
Privilege, Breach of, 452, 455, 456
Strangers in the Peeresses Gallery, 1272
Sunday Trading Prevention, Com. 493 ; *cl.* 2, 497
Universities Commission, Address moved, 1154, 1157, 1158

Brown, Mr. W., *Lancashire, S.*
Factories, 2R. 834 ; Com. 1240
Petitioning, Right of—Post Office Patronage, 892

Bruce, Mr. C. L. C., *Elgin and Nairneshire*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 888

Buck, Mr. L. W., *Devonshire, N.*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 887

Buckingham Palace—Supply,
c. 323

Buller, Sir J. Y., *Devonshire, S.*
Landlord and Tenant, Com. *cl.* 1, Amend. 1121, 1126

Bunsen, Chevalier — Strangers in the Peeresses Gallery,
l. Remarks (Lord Brougham), 1292

Burgess Lists Bill,
c. 2R. 1140 ; Amend. (Col. Sibthorp), 1141 ; Bill put off, 1142

Butler, Mr. P. S., *Kilkenny, Co.*
Lord Lieutenancy Abolition (Ireland), 2R. 1464

Buxton, Sir E. N., *Essex, S.*
Metropolitan Interments, Com. *cl.* 33, 1076
Sugar Duties, 528, 592

Cambridge, Duke of
Appeals from the Privy Council, &c., 2R. 673

Campbell, Lord
Appeals from the Privy Council, &c., 2R. 642, 645, 673
Incumbered Estates (Ireland) Act Amendment, 2R. 935, 938

Canning, Viscount
Greece, Affairs of, 1378

Cardigan, Earl of
Greece, Affairs of, 1362

Cardwell, Mr. E., *Liverpool*
Coffee, Adulteration of, 277
County Courts Extension, Com. *add. cl.* 1166
Wood used in Shipbuilding, 308

Carlisle, Earl of
Appeals from the Privy Council, &c., 2R. 669
Australian Colonies Government, Com. *cl.* 31, 1229
Incumbered Estates (Ireland) Act Amendment, 2R. Amend. 933, 939
Universities Commission, Address moved, 1151, 1157

Castlereagh, Viscount, *Downshire*
Marriages, Com. *cl.* 6, 1199

Cavendish, Hon. G. H., *Derbyshire, N.*
Chester and Holyhead Railway, 3R. *add. cl.* 387

Census, National—Population Bill,
c. Leave, 870 ; 1R.* 871

Census, National—Population (Ireland) Bill,
c. 1R.* 1067

Chancellor, The Lord,
c. Question (Mr. W. Patten), 431 ; (Hon. E. Bouverie), 432 ; (Mr. J. Stuart), 896

CHANCELLOR OF THE EXCHEQUER (Rt. Hon. Sir C. Wood), *Halifax*
  Assessed and Window Duties Repeal, Leave, Amend. 313
  Coffee, Adulteration of, 273
  Corn, Foreign, Comm. moved for, 71
  Drainage and Improvement of Land Advances, Com. 879; *cl.* 1, 882, 883; *cl.* 4, 884, 886, 888; *cl.* 8, 889, 890
  Dublin Hospitals, Comm. moved for, Amend. 722
  Home made Spirits in Bond, Comm. moved for, 1094, 1098
  Lord Lieutenancy Abolition (Ireland), Leave, 227
  Post Office, 475
  Stamp Duties (No. 2), Res. 157, 158
  Sugar Duties, 573
  Supply—Civil Services, 234;—New Houses of Parliament, 235, 332, 333, 337, 348, 350, 390, 391, 986, 1007;—Buckingham Palace, 323, 325, 327;—Public Works (Ireland), 361, 363;—The Treasury, 391, 392;—Comptroller of the Exchequer, 408;—Poor Law, 413, 414;—Public Records, 425;—Grant to Maynooth, 597
  Wood used in Shipbuilding, Res. Amend. 307, 309

Chancery, Court of,
  l. Returns moved for (Lord Brougham), 369
  c. Question (Mr. W. Patten), 431; (Hon. E. P. Bouverie), 432; (Mr. J. Stuart), 896

Chancery, Court of, Bill,
  c. 2R. 1128

Chancery Court of Appeal Bill,
  l. 1R.* 426; 2R. 1199; Order for 2R. discharged, 1216

Chancery, Court of (County Palatine of Lancaster) Bill,
  l. 1R.* 491; 2R.* 931; Rep.* 1030; 3R.* 1146

Chancery, Court of, Decrees of, &c., Bill,
  l. 1R.* 158

Chancery, Court of (Ireland) Bill,
  c. 3R.* 384
  l. 1R.* 491

CHATTERTON, Col. J. C., *Cork City*
  Libraries, Public, and Museums, Com. *cl.* 1, 1176
  Marriages, Com. *cl.* 6, Amend. 1190
  Prerogative, Court of (Ireland), 2R. 155; Amend. 156

Chester and Holyhead Railway Bill,
  c. 3R. 384; *add. cl.* (Mr. O. Gore), 385, [A. 118, N. 137, M. 19] 387

CHICHESTER, Earl of
  Australian Colonies Government, Com. *add. cl.* 1065

CHICHESTER, Bishop of
  Appeals to the Privy Council, &c., 2R. 646

CHICHESTER, Lord J. L., *Belfast*
  Supply—Grant to Maynooth, 597

CHRISTOPHER, Mr. R. A., *Lincolnshire (Parts of Lindsey)*
  Landlord and Tenant, Com. 1120

CHRISTY, Mr. S., *Newcastle-under-Lyne*
  Hudson's Bay, 1079, 1080

Civil Services—Supply,
  c. 234

CLAY, Sir W., *Tower Hamlets*
  Metropolitan Interments, Com. 689; *cl.* 2, 697; *cl.* 7, 707; *cl.* 28, 917
  Supply—New Houses of Parliament, 339, 340

CLERK, Rt. Hon. Sir G., *Dovor*
  Marriages, Com. *cl.* 2, 150

COBDEN, Mr. R., *Yorkshire, W.R.*
  Brooke, Sir J., 294, 296, 297, 301, 302, 303
  Corn, Foreign, Comm. moved for, 88, 97
  Greece, Affairs of, Return moved for, 235, 236
  Metropolitan Interments, Com. *cl.* 27, 912
  Navy Estimates, 287, 291, 293, 294, 296, 297, 301, 302, 303
  Passport System, The, 403
  Supply—Royal Palaces, 322;—New Houses of Parliament, 341;—Public Works (Ireland), 360;—The Treasury, 393

COCHRANE, Mr. A. B., *Bridport*
  Factories, Com. 1271
  Foreign Policy, 315, 318
  Greece, Affairs of, 719

COCKBURN, Mr. J. A. E., *Southampton*
  County Courts Extension, Com. *add. cl.* 1170
  Marriages, Com. *cl.* 2, 126, 149; *cl.* 3, 1188
  Small Tenements Rating, 3R. 1145

Coffee, Adulteration of,
  c. Motion (Mr. C. Anstey), 268; Motion neg. 279

COLEBROOKE, Sir T. E., *Taunton*
  Railway Communication in India, 1114

Commissions of Inquiry, Expenses of
  c. Observations (Mr. J. Stuart), 285

Common Pleas, Court of, Fees Bill,
  l. 1R.* 1; 2R. 429; 3R.* 795

Commons Inclosure Bill,
  l. Royal Assent, 158

Commons, The New Houses of,
  c. Observations (Rt. Hon. Sir G. Grey), 431; First Sitting in, 456; Question (Mr. B. Osborne), 458; (Mr. Bankes), 755; (Mr. Aglionby), 1121

Compound Householders Bill,
  c. 1R.* 456

CONOLLY, Mr. T., *Donegal*
  Lord Lieutenancy Abolition (Ireland), 2R. 1022

Convict Prisons Bill,
  c. Rep.* 311, 384

COPELAND, Mr. Ald. W. T., *Stoke-on-Trent*
Metropolitan Interments, Com. *cl.* 30, 1072
Supply—Poor Law, 416, 417, 418, 419, 420; Amend. 421;—The Mint, 421, 424

Corn, Foreign,
c. Comm. moved for (Hon. G. Berkeley), 19, [A. 184, N. 298, M. 114] 97

CORRY, Rt. Hon. H. T. L., *Tyrone*
Navy Estimates, 293

County Courts Extension Bill,
c. Com. *add. cl.* (The Attorney General), 1162; *add. cl.* (Mr. T. M'Cullagh), 1166; *cl.* withdrawn, 1167; *add. cl.* (Mr. Crowder), *ib.*, [A. 25, N. 108, M. 83] 1173

Court of Prerogative (Ireland) Bill,
c. 2R. 152; Amend. (Mr. Reynolds), 154

Court of Session (Scotland) Bill,
c. 3R.* 528
l. 1R.* 598

COWAN, Mr. C., *Edinburgh*
Marriages, Com. *cl.* 2, 144
Post Office, 475

COWPER, Hon. W. E., *Hertford*
Lea, River Trust, 2R. 388

CRAWFORD, Mr. W. S., *Rochdale*
Derby Day, Adjournment over the, 431
Elections (Ireland), 3R. *add. cl.* 463, 465
Factories, Com. 845, 1235, 1236, 1271
Landlord and Tenant, Com. 1120
Metropolitan Interments, Com. *cl.* 53, 1079
Poor Laws (Ireland), 745
Small Tenements Rating, 3R. 1145

CROWDER, Mr. R. B., *Liskeard*
County Courts Extension, Com. *add. cl.* 1167, 1173

Cruelty to Animals (Scotland) Bill,
c. 1R.* 1158

Cuban Expedition, The,
l. Question (Lord Brougham), 872
c. Question (Mr. Disraeli), 898

CUBITT, Mr. W., *Andover*
Supply—New Houses of Parliament, 346

Deeds, Registration of (Ireland),
c. Rep.* 11; 3R. 364
l. 1R.* 366

DEEDES, Mr. W., *Kent, E.*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 888

Defects in Leases Act Amendment Bill,
l. 2R.* 158; 3R.* 366; Royal Assent, 491

DENISON, Mr. E. B., *Yorkshire, W.R.*
Factories, Com. 841

DENISON, Mr. J. E., *Malton,*
Supply—Poor Law, 413

Derby Day, Adjournment over the,
c. Motion (Major Beresford), 430

DESART, Earl of
Parliamentary Voters (Ireland), 2R. 816

D'EYNCOURT, Rt. Hon. C. T., *Lambeth,*
Metropolitan Interments, Com. 685; *cl.* 6, 706; *cl.* 20, 866; Amend. 869; *cl.* 30, 931; *cl.* 53, 1078; *add. cl.* 1287

DISRAELI, Mr. B., *Buckinghamshire*
Corn, Foreign, Comm. moved for, 81
Cuba, American Expedition against, 898
Factories, Com. 1278
French Ambassador, Recall of the, 166, 169, 257, 268
Greece, Affairs of, 105, 257, 268
Lord Lieutenancy, Abolition (Ireland), Leave, 218; 2R. 1454
Navy Estimates, 290
Petitioning, Right of, Post Office Patronage, 891, 892
Supply—The Treasury, 392, 394, 396

Distress for Rent (Ireland) Bill,
l. 2R. 492; Rep.* 1199

Distressed Unions Advances, &c. (Ireland) Bill,
l. Com. 9; 3R.* 101; Royal Assent, 158

DIVETT, Mr. E., *Exeter*
Marriages, Com. Amend. 111

Divisions, List of,
Appeals to the Privy Council from the Ecclesiastical Courts Bill, 2R. Amend. (Marquess of Lansdowne), [*o. q.* Contents 51, Not-Contents 84, M. 33] 674
Assessed and Window Duties Repeal, Leave, Amend. (Chancellor of the Exchequer), [A. 130, N. 65, M. 65] 315
Australian Colonies Government Bill, Motion (Lord Brougham), [Contents 25, Not-Contents, 33, M. 8] 956; Com. Amend. (Bishop of Oxford), [*o. q.* Contents 21, Not-Contents 34, M. 13] 979; Amend. (Lord Monteagle), [Contents 20, Not-Contents 22, M. 2] 1047; *add. cl.* (Lord Lyttelton), [Contents 18, Not-Contents 28, M. 10] 1055; *cl.* 30, Amend. (Lord Stanley), [*o. q.* Contents 23, Not-Contents 22, M. 1] 1227
Corn, Foreign, Comm. moved for (Hon. G. Berkeley), [A. 184, N. 298, M. 114] 97
County Courts Extension Bill, Com. *add. cl.* (Mr. Crowder), A. 25, N. 108, M. 83] 1173
Education Bill, 2R. [A. 38, N. 287, M. 229] 792
Factories Bill, Com. Amend. (Hon. J. Elliot), [*o. q.* A. 246, N. 45, M. 201] 845; Amend. (Lord Ashley), [A. 72, N. 102, M. 30] 855; Consideration, Amend. (Lord Ashley), [A. 159, N. 160, M. 1] 1240; Amend. (Lord J. Manners), [*o. q.* A. 181, N. 142, M. 39] 1283
Greece, Affairs of, Motion (Lord Stanley), [Contents 169, Not-Contents 132, M. 37] 1401

Divisions, List of—continued.
Home-made Spirits in Bond, Comm. moved for (Lord Naas), [A. 85, N. 53, M. 32] 1097
Libraries, Public, and Museums Bill, Com. Amend. (Col. Sibthorp), [*o. q.* A. 87, N. 21, M. 66] 1177
Lord Lieutenancy Abolition (Ireland), Leave, [A. 170, N. 17, M. 153] 232
Marriages Bill, Com. *cl.* 2, Amend. (Mr. Divett), [*o. q.* A. 111, N. 68, M. 43] 136
Metropolitan Interments Bill, Com. Amend. (Mr. Lacy) [*o. q.* A. 159, N. 57, M. 102] 692; *cl.* 30, Amend. (Mr. Lushington), [A. 88, N. 126, M. 38] 927
Navy Estimates, Amend. (Mr. Cobden), [*o. q.* A. 145, N. 20, M. 125] 307
Poor Laws (Ireland), Res. (Mr. F. French), [A. 69, N. 90, M. 25] 752
Post Office, Motion (Lord Ashley), [A. 93, N. 68, M. 25] 484
Prerogative, Court of (Ireland) Bill, 2R. Amend. (Col. Chatterton), [A. 20, N. 83, M. 63] 157
Sugar Duties, Motion (Sir E. N. Buxton), [A. 234, N. 275, M. 41] 593
Supply—New Houses of Parliament, Amend. (Sir D. L. Evans), [A. 94, N. 75, M. 19] 359; Amend. (Mr. Hume), [*o. q.* A. 144, N. 62, M. 82] 1005;—Public Works (Ireland), Amend. (Col. Sibthorp), [A. 47, N. 124, M. 77] 364;—Grant to Maynooth, Amend. (Mr. Forbes), [*o. q.* A. 68, N. 55, M. 13] 597
Wood used in Shipbuilding, Res. (Mr. Mitchell), Amend. (Chancellor of the Exchequer), [A. 50, N. 19, M. 31] 310

DOUGLAS, Sir C. E., *Warwick*
Chester and Holyhead Railway, 3R. *add. cl.* 386

DOWN AND CONNOR, Bishop of
Australian Colonies Government, Com. *add. cl.* 1065

Drainage and Improvement of Land Advances Bill,
c. 2R.* 166; Com. 879; Amend. (Mr. Trelawny), *ib.* [*o. q.* A. 73, N. 4, M. 69] 881; *cl.* 1, *ib.*; *cl.* 4, 884, [A. 45, N. 107, M. 62]; 888; *cl.* 8, 889; Amend. (Mr. Roche), *ib.*; Amend. withdrawn, 890;
3R.* 1067;
l. 1R.* 1146

DRUMMOND, Mr. H., *Surrey, W.*
Brooke, Sir J., 296, 297
Drainage and Improvement of Land Advances, Com. *cl.* 1, 882; *cl.* 4, 886
Education, 2R. 760
Greece, Affairs of, 255
Landlord and Tenant, Com. *cl.* 1, 1122
Marriages, Com. *cl.* 2, 134, 135
Metropolitan Interments, Com. *cl.* 2, 700; *cl.* 8, 709
Navy Estimates, 296, 297
Registration of Deeds (Ireland), 3R. 364
Supply—Buckingham Palace, 325;—New Houses of Parliament, 340;—Public Works (Ireland), 363;—Poor Law, 411

Dublin Hospitals,
c. Comm. moved for (Mr. Grogan), 721; Motion *neg.* 723

DUKE, Sir J., *London*
Lea, River Trust, 2R. 389

DUNCOMBE, Hon. Captain A., *Retford, E.*
Chester and Holyhead Railway, 3R. *add. cl.* 386

DUNCOMBE, Mr. T. S., *Finsbury*
Metropolitan Interments, Com. 684; *cl.* 2, Amend. 692; *cl.* 19, 858; *cl.* 20, 866, 868; *cl.* 27, 907, 911; *cl.* 53, 1077

DUNNE, Lieut.-Col. F. P., *Portarlington*
Corn, Foreign, Comm. moved for, 32, 96
Elections (Ireland), 3R. *add. cl.* 464
Greece, Affairs of, 256
Lord Lieutenancy Abolition (Ireland), Leave, 230, 231; 2R. 1018
Poor Laws (Ireland), 742
Registration of Deeds (Ireland), 3R. 365
Supply—New Houses of Parliament, 358;—Public Works (Ireland), 361;—Poor Law, 410, 414
Tenements Recovery (Ireland), 2R. 754

EBRINGTON, Viscount, *Plymouth*
Supply—Poor Law, 418
Westminster, Sewerage of, 1159, 1160, 1161

Ecclesiastical Commission, The
c. Question (Sir B. Hall), 169, 430;—*Supply,* 408

EDDISBURY, Lord
Greece, Affairs of, 1388

Education Bill,
c. 2R. Adj. Debate, 756, [A. 58, N. 287, M. 229] 792

EDWARDS, Mr. H., *Halifax*
Factories, Com. 830, 847, 1237, 1277

EGERTON, Mr. W. T., *Cheshire, N.*
Chester and Holyhead Railway, 3R. *add. cl.* 387
Factories, Com. 1238

Elections (Ireland) Bill,
c. 3R. 460; *add. cl.* (Attorney General) *ib.* [A. 168, N. 21, M. 147] 463;
Proviso (Mr. T. M'Cullagh), *ib.*, [A. 52, N. 118, M. 66] 465; *add. cl.* (Mr. F. French), *ib.*, [A. 33, N. 108, M. 75] 466;
l. 1R.* 491

ELLENBOROUGH, Earl of
Sunday Trading Prevention, Com. 495; *cl.* 2, 497; Rep. 714

ELLIOTT, Hon. J. E., *Roxburghshire*
Commons, New House of, 459
Factories, Com. Amend. 823, 829, 833, 838, 1238, 1277

ELLIS, Mr. J., *Leicester*
Drainage and Improvement of Land Advances, Com. *cl.* 1, 883

Emigration of Orphan Children,
c. Motion (Mr. W. Miles), 433 ; Amend. (Mr. Stafford), 445 ; Amend. (Mr. Hawes), 457 ; House Counted Out, 452

Encumbered Estates (Ireland) Act Amendment Bill,
l. 1R.* 491 ; 2R. 932 ; Rep.* 1199

Estates Leasing (Ireland) Bill,
l. 2R. 8

EVANS, Major General Sir De Lacy, *Westminster*
Elections (Ireland), 3R. *add. cl.* 465
Metropolitan Interments, Com. 682, 690 ; *cl.* 2, 700 ; *cl.* 20, 864 ; *cl.* 27, 915 ; *cl.* 30, 925
Metropolitan Waterworks, 2R. 15
Supply—Royal Palaces, 321 ;—New Houses of Parliament, 348, 354, 358

EVANS, Mr. J., *Haverfordwest*
County Courts Extension, Com. *add. cl.* 1173

EVANS, Mr. W. *Derbyshire, N.*
Sugar Duties, 537

Evictions in Ireland,
c. Question, (Mr. Napier), 675

EWART, Mr. W., *Dumfries*
Libraries, Public, and Museums, Com. *cl.* 1, 108, 109, 1174, 1176, 1178

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

Exchequer Bills, (9,200,000l.) Bill,
l. Royal Assent, 158

Exchequer Bills, (8,558,700l.) Bill,
c. 1R.* 166 ; 2R.* 237 ; Rep.* 311 ; 3R.* 456
l. 1R.* 491 ; 2R.* 598 ; Rep.* 714 ; 3R.* 795 ; Royal Assent, 931

Exchequer, Comptroller of the—Supply,
c. 407

Exchequer, Court of (Ireland) Bill,
c. 1R.* 675

Factories Bill,
c. Com. 823 ; Amend. (Hon. J. Elliot), 828 ; [*o. q.* A. 246, N. 45, M. 201] 845 ;
Amend. (Lord Ashley), 846, [A. 72, N. 102, M. 30] 855 ;
Consideration, Amend. (Lord Ashley), 1234, [A. 159, N. 160, M. 1] 1240
Amend. (Lord J. Manners), 1243, [*o. q.* A. 181, N. 142, M. 39] 1283

Factories, Inspectors of—Supply,
c. 425

FAGAN, Mr. W., *Cork City*
Life Policies of Assurance (No. 2), Com. 107
Lord Lieutenancy Abolition (Ireland), Leave, 196
Ministers' Money (Ireland), 485
Ramsgate Harbour, Comm. moved for, 1086

FARRER, Mr. J., *Durham, S.*
Marriages, Com. *cl.* 6, Amend. 1195, 1199

Fees (Court of Common Pleas) Bill,
l. 1R.* 1 ; 2R. 429 ; 3R.* 795

FERGUS, Mr. J., *Fifeshire*
Factories, Com. 829

FERGUSON, Sir R. A., *Londonderry City*
Supply—Poor Law, 414

Fines, Collection of (Ireland) Bill,
c. 1R.* 166 ; 2R.* 675

Fish, Engines for Taking (Ireland) Bill,
c. 1R.* 102

FITZROY, Hon. H., *Lewes*
County Courts Extension, Com. *add. cl.* 1169
Metropolitan Interments, Com. 690 ; *cl.* 2, 706
Navy Estimates, 289

FITZWILLIAM, Earl
Australian Colonies Government, 2R. 511 ; Com. *cl.* 8, 1049
Incumbered Estates (Ireland) Act Amendment, 2R. 936
Parochial Assessments, Comm. moved for, 4

Florin, The, Issue of,
c. Question (Mr. Thornely), 421

FLOYER, Mr. J., *Dorsetshire*
Landlord and Tenant, Com. *cl.* 1, 1123

FORBES, Mr. W., *Stirlingshire*
Libraries, Public, and Museums, Com. *cl.* 1, 1177
Supply—The Treasury, 391, 392 ;—Grant to Maynooth, Amend. 596

Foreign Office—Supply,
c. 399

Foreign Policy,
c. Observations (Mr. B. Cochrane), 315 ;—see *Greece, Affairs of*

FORSTER, Mr. M., *Berwick-on-Tweed*
Petitioning, Right of—Post Office Patronage, 891
Post Office, 484

FOX, Mr. W. J., *Oldham*
Education, 2R. 783, 792
Factories, Com. 844, 1239, 1268

FRENCH, Mr. F., *Roscommon*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 886
Elections (Ireland), 3R. *add cl.* 465
Life Policies of Assurance (No. 2), Com. 108
Lord Lieutenancy Abolition (Ireland), 2R. 1029
Poor Laws (Ireland), Res. 723

French Ambassador, Departure of the,
l. Question (Lord Brougham), 101, 159
c. Question (Mr. Disraeli), 166 ; (Sir J. Walsh), 237 ;—see *Greece, Affairs of*

FREWEN, Mr. C. H., *Sussex, E.*
Commons, New House of, 459
Elections, (Ireland), 3R. *add. cl.* 460
Tenements Recovery (Ireland), 2R. 753, 755

GALWAY, Viscount, *Retford (East)*
Burgess Lists, 2R. 1141
Metropolitan Interments, Com. *add. cl.* 1288
Population—National Census, 871

GIBSON, Rt. Hon. T. M., *Manchester*
Education, 2R. 763, 765, 772
Greece, Affairs of, 104, 719
Factories, Com. 852
Manchester Rectory Division, 3R. 12
Metropolitan Interments, Com. *cl.* 2, 695, 700, 704
Post Office, 981
Sugar Duties, 547

GLADSTONE, Rt. Hon. W. E., *Oxford University*
Chester and Holyhead Railway, 3R. *add. cl.* 385
Sugar Duties, 580
Universities, English and Irish, 457, 458, 488, 491

GLENGALL, Earl of
Estates Leasing (Ireland), 2R. 9
Incumbered Estates (Ireland) Act Amendment, 2R. 934
Judgments (Ireland), 2R. 7
Parliamentary Voters (Ireland), 2R. 820

GLYN, Mr. G. C., *Kendal*
Chester and Holyhead Railway, 3R. *add. cl.* 385

GORE, Mr. W. O., *Shropshire, N.*
Chester and Holyhead Railway, 3R. *add. cl.* 384

GOULBURN, Rt. Hon. H., *Cambridge University*
County Courts Extension, Com. *add. cl.* 1164
Libraries, Public, and Museums, Com. *cl* 1, 1178
Manchester Rectory Division, 3R. 12
Metropolitan Interments, Com. *cl.* 32, 1075; *add. cl.* 1291
Prerogative, Court of (Ireland), 2R. 153
Supply—Buckingham Palace, 325

GRAHAM, Rt. Hon. Sir J. R. G., *Ripon*
County Courts Extension, Com. *add. cl.* 1162, 1164, 1171
Landlord and Tenant, Com. *cl.* 1, 1122, 1125; *cl.* 9, 1127, 1128

GRANBY, Marquess of
Corn, Foreign, Comm. moved for, 39, 45

GRANVILLE, Earl
Australian Colonies Government, 2R. 578, 950; Com. *cl.* 30, 1225

GRATTAN, Mr. H., *Meath Co.*
Lord Lieutenancy Abolition (Ireland), Leave, 184; 2R. Amend. 1008
O'Brien, Mr. Smith, Treatment of, 1234

Greece, Affairs of—Departure of the French Ambassador,
l. Question (Lord Brougham), 101, 159; Observations (Marquess of Lansdowne), 795;—Motion (Lord Stanley), 1293, [Contents 169, Not-Contents 132, M. 37] 1401
c. Question (Rt. Hon. T. M. Gibson), 104;—*Recall of the French Ambassador;* Question (Mr. Disraeli), 166; (Sir J. Walsh), 237; Returns moved for (Mr. Cobden), 235; Motion neg. 236; Observations (Mr. B. Cochrane), 315; Question (Mr. Baillie), 716

GREENALL, Mr. G., *Warrington*
Factories, Com. 1272

GREENE, Mr. T., *Lancaster*
Commons, The New House of, 458, 459
Landlord and Tenant, Com. *cl.* 9, 1127
Parliament, New Houses of, 103, 104
Supply—New Houses of Parliament, 338, 343, 344
Westminster, Sewerage of, 1159, 1160

GREY, Earl
Agricultural Distress, 372, 374, 384
Australian Colonies Government, 426, 427, 428; 2R. 497, 509, 527, 944, 948, 951, 952; Com. 965, 978, 979, 1041; *cl.* 5, 1048; *cl.* 8, *ib.*, 1049; *cl.* 14, 1050; *add. cl.* 1052, 1063, 1066, 1067; *cl.* 30, 1220, 1226, 1227, 1228; *cl.* 31, 1228, 1229; *cl.* 35, 1230
Cuban Expedition, The, 876, 878
Fees (Court of Common Pleas), 2R. 429
Military Pensions, 872
Parliamentary Voters (Ireland), 2R. 810, 814
Sunday Trading Prevention, Com. 496

GREY, Rt. Hon. Sir G., *Northumberland, N.*
Burgess Lists, 2R. 1141
Commons, The New House of, 433, 459
County Courts Extension, Com. *add. cl.* 1163, 1165, 1169
Ecclesiastical Commission, 430
Elections (Ireland), 3R. *add cl.* 461, 465
Evictions in Ireland, 675, 676
Factories, Com. 828, 846, 847, 852, 853, 856, 1235, 1257
Libraries, Public, and Museums, Com. *cl.* 1, 110, 1178
Local Acts, Comm. moved for, 457
London (Watford) Spring Water Company, 2R. 13
Lord Lieutenancy Abolition (Ireland), 2R. 1439
Metropolitan Interments, Com. 680; *cl.* 2, 694, 705; *cl.* 6, 706, 707; *cl.* 7, *ib.*, 708; *cl.* 8, 709; *cl.* 9, *ib.*; *cl.* 10, *ib.*, 710; *cl.* 19, 856, 857, 858, 859; *cl.* 20, 863, 865, 866, 869; *cl.* 23, 870; *cl.* 27, 904, 911, 912, 914, 915, 916; *cl.* 28, 917; *cl.* 30, *ib.*, 928, 929, 930, 1068, 1069, 1070; *cl.* 32, 1074; *cl.* 53, 1078; *cl.* 64, 1286; *add. cl.* 1287, 1288
Ministers' Money (Ireland), 487
O'Brien, Mr. Smith, Treatment of, 1233

GREY, Rt. Hon. Sir G.—*continued.*
  Petitioning, Right of—Post Office Patronage, 892
  Post Office, 980, 981
  Prerogative Court of (Ireland), 2R. 155, 157; Comm. 710, 711
  Protectionist Meeting, The late, 106
  Registration of Deeds (Ireland), 3R. 364
  Small Tenements Rating, 3R. *add. cl.* 1146
  Supply—Royal Palaces, 320;—Public Works (Ireland), 362;—Ecclesiastical Commission, 409;—Poor Law, 416;—Inspectors of Factories, 425;—Chief Secretary (Ireland), 426

GROGAN, Mr. E., *Dublin City*
  Dublin Hospitals, Comm. moved for, 721
  Lord Lieutenancy Abolition (Ireland), Leave, 192; 2R. 1022
  Prerogative Court of (Ireland), 2R. 155; Comm. 713
  Supply—Public Works (Ireland), 362
  Tenements Recovery (Ireland), 2R. 754

GROSVENOR, Rt. Hon. Lord R., *Middlesex*
  Chester and Holyhead Railway, 3R. *add. cl.* 386
  Factories, Com. 1239
  Metropolitan Interments, Com. 688; *cl.* 7, 708; *cl.* 20, 866; *cl.* 30, 929, 1071, 1072
  Metropolitan Waterworks, 2R. 18
  Supply—New Houses of Parliament, 345

GWYN, Mr. H., *Penryn and Falmouth*
  Universities Commission—The Bishop of Llandaff, 902

HALL, Sir B., *Marylebone*
  Corn, Foreign, Comm. moved for, 44
  Ecclesiastical Commissioners, 169, 170, 408, 430
  Metropolitan Interments, Com. 683, 691; *cl.* 2, 696; *cl.* 7, 708; *cl.* 19, 857; *cl.* 20, 862, 863, 865, 869; *cl.* 27, 913, 914; *cl.* 30, 917, 921, 924; Amend. 928, 929, 930, 1069; *cl.* 32, 1073, 1074, 1075; *cl.* 33, *ib.*; *cl.* 53, 1077; Proviso, 1078; *add. cl.* 1287, 1289, 1291
  Supply—New Houses of Parliament, 337, 343, 352;—Ecclesiastical Commission, 408
  Westminster, Sewerage of, 1160, 1161

HALSEY, Mr. T. P., *Hertfordshire*
  Small Tenements Rating, 3R. 1142

HAMILTON, Lord C., *Tyrone*
  Foreign Policy, 319
  Supply—New Houses of Parliament, 357

HAMILTON, Mr. G. A., *Dublin University*
  Dublin Hospitals, Comm. moved for, 722
  Lord Lieutenancy Abolition (Ireland), 2R. 1014
  Ministers' Money (Ireland), 487
  Prerogative Court of (Ireland), Comm. 713
  Tenements Recovery (Ireland), 2R. 754

HARDWICKE, Earl of
  Greece, Affairs of, 1398

HARRIS, Hon. Capt. E. A. J., *Christchurch*
  Impressment of Seamen, 279
  Navy Estimates, 293

HARROWBY, Earl of
  *Appeals to the Privy Council, &c., 2R. 653
  Australian Colonies Government, 952; Com. *add. cl.* 1065; *cl.* 30, 1225; *cl.* 31, 1229
  Sunday Trading Prevention, Com. 5, 6, 493, 494; *cl.* 2, 497; Rep. 714, 715, 716

HASTIE, Mr. Archibald, *Paisley*
  Corn, Foreign, Comm. moved for, 32

HATCHELL, Mr. J., *Windsor*
  Tenements Recovery (Ireland), 2R. 754

HATHERTON, Lord
  Parochial Assessments, Comm. moved for, 5

HAWES, Mr. B., *Kinsale*
  Brooke, Sir J., 306
  Emigration of Orphan Children, 445

HAYTER, Rt. Hon. W. G., *Wells*
  Petitioning, Right of—Post Office Patronage, 890, 892
  Post Office—Sabbath Labour, 720, 721
  Supply—Royal Palaces, 322;—Public Works (Ireland), 360, 362, 363

HEADLAM, Mr., T. E., *Newcastle-on-Tyne*
  Local Acts, Comm. moved for, 457

HEALD, Mr. J., *Stockport*
  Factories, Com. 1266
  Libraries, Public, and Museums, Com. *cl.* 1, 1176
  Marriages, Com. *cl.* 2, 135

Health, General Board of, Bill,
  c. 1R.* 528; 2R.* 823; Rep.* 1158, 1404

HENLEY, Mr. J. W., *Oxfordshire*
  County Courts Extension, Com. *add. cl.* 1165
  Prerogative Court of (Ireland) 2R. 156
  Stamp Duties (No. 2), Res. 158
  Westminster, Sewerage of, 1160

HERBERT, Rt. Hon. S., *Wiltshire, S.*
  Brooke, Sir J., 305
  Landlord and Tenant, Com. *cl.* 1, 1123
  Supply—Buckingham Palace, 326

HERBERT, Mr. H. A., *Kerry*
  Brooke, Sir J., 306

HERRIES, Rt. Hon. J. C., *Stamford*
  Corn, Foreign, Comm. moved for, 64

HEYWOOD, Mr. J., *Lancashire, N.*
  Factories, Com. 854, 1268
  Universities, English and Irish, 457

HOBHOUSE, Sir J. C., *Harwich*
  Railway Communications in India, 1103, 1104, 1115, 1119

HODGES, Mr. T. L., *Kent, W.*
  Metropolitan Interments, Com. *cl.* 64; Amend. 1286; *add. cl.* 1287

Hodges, Mr. T. T., *Rochester*
Burgess Lists, 2R. 1140, 1142

Home Made Spirits in Bond Bill,
c. Comm. moved for (Lord Naas), 1088, [A. 85, N. 53, M. 32] 1097; Res. 1098; 1R.* 1404

Hope, Mr. A. J. B., *Maidstone*
Marriages, Com. 112
Supply—Public Records, 424

Hornby, Mr. J., *Blackburn*
Factories, Com. 1254

Horsman, Mr. E., *Cockermouth*
Petitioning, Right of—Post Office Patronage, 894
Universities Commission—The Bishop of Llandaff, 899, 902

Hudson, Mr. G., *Sunderland*
Burgess Lists, 2R. 1142

Hudson's Bay,
c. Question (Mr. Christy), 1079

Hume, Mr. J., *Montrose, &c.*
Chancellor, The Lord, 433
Commons, The New House of, 460
County Courts Extension, Com. *add. cl.* 1164
Derby Day, Adjournment over the, 431
Drainage and Improvement of Land Advances, Com. 881
Education, 2R. 791, 792
Elections (Ireland), 3R. *add. cl.* 462
Factories, Com. 1238
Greece, Affairs of, Returns moved for, 236
Hudson's Bay, 1080
Libraries, Public, and Museums, Com. *cl.* 1, 111, 1175, 1178
Local Acts, Comm. moved for, 457
Lord Lieutenancy Abolition (Ireland), Leave, 226
Marriages, Com. *cl.* 2, 116
Metropolitan Interments, Com. 687; *cl.* 2, 694, 705; *cl.* 6, 706, 707; *cl.* 7, 708; *cl.* 30, 925, 927, 929; Amend. 930
Metropolitan Water Works, 2R. 16
Ministers' Money (Ireland), 487
Passport System, The, 402
Petitioning, Right of—Post Office Patronage, 894
Prerogative, Court of (Ireland), Comm. 711
Railway Communication in India, 1114
Ramsgate Harbour, Comm. moved for, 1087
Small Tenements Rating, 3R. 1144
Sugar Duties, 538, 547
Supply—Civil Services, 234;—Houses of Parliament, 390, 391, 981, 990, 992, 993, 1004, 1005;—The Treasury, 392, 393;—Foreign Office, 404, 406;—Comptroller of the Exchequer, 407;—Poor Law, 410, 419;—The Mint, 422;—Inspectors of Factories, 425
Universities, English and Irish, 491

Humphery, Mr. Alderman J., *Southwark*
Supply—New Houses of Parliament, 343

Hutt, Mr. W., *Gateshead*
Sugar Duties, 565

Impressment of Seamen,
c. Observations (Hon. Captain Harris), 279

Incumbered Estates (Ireland) Act Amendment Bill,
l. 1R.* 491; 2R. 932; Rep.* 1199

Incorporation of Boroughs Confirmation Bill,
c. 1R.* 1067

Incorporation of Boroughs Confirmation (No. 2) Bill,
c. 1R.* 1231

Indemnity Bill,
l. Royal Assent, 158

India,
Railway Communication, c. Papers moved for (Viscount Jocelyn), 1099

Inglis, Sir R. H., *Oxford University*
County Courts Extension, Com. *add. cl.* 1172
Lord Lieutenancy Abolition (Ireland), 2R. 1460
Marriages, Com. *cl.* 3, 1187
Prerogative, Court of (Ireland), 2R. 152, 156

Interments, Metropolitan, Bill,
c. Rep.* 384; Com. 677; Amend. (Mr. Lacy), *ib.*; Amend. Adj. (Mr. Wyld), 689; Motion withdrawn, 692, [*o. q.* A. 159, N. 57, M. 102] 692;
cl. 2, *ib.*, [A. 135, N. 57, M. 78] 706;
cl. 6, *ib.*; *cl.* 7, 707; *cl.* 8, 708;
cl. 9, 709; *cl.* 10, *ib.*;
cl. 13, Amend. (Mr. Stanford), 856; Amend. withdrawn, 858; Amend. (Mr. Roebuck), *ib.*, [*o. q.* A. 88, N. 48, M. 40] 860;
cl. 20, *ib.*; Amend. (Mr. Stanford), 862; Amend. withdrawn, 865; Amend. (Mr. D'Eyncourt), [A. 64, N. 171, M. 107] 869;
cl. 23, *ib.*;
cl. 27, 903; Amend. (Mr. Wakley), 911; Amend. withdrawn, 912; Proviso (Mr. Sadleir), 914; Proviso *neg. ib.*; Proviso (Mr. Bright), *ib.*; Proviso, *neg.* 916, [A. 104, N. 25, M. 79] *ib.*;
cl. 28, Amend. (Mr. Stanford), *ib.*; Amend. withdrawn, 917;
cl. 30, *ib.*; Amend. (Mr. Lushington), 921, [A. 88, N. 126, M. 38] 927; Amend. (Sir B. Hall), 928; Amend. (Mr. Hume), [*r. p.* A. 52, N. 144, M. 92] 930; Amend. (Hon. E. P. Bouverie), [*o. q.* A. 136, N. 23, M. 113] 931; Amend. (Rt. Hon. Sir G. Grey), 1068;
cl. 32, 1073; *cl.* 33, 1075;
cl. 53, 1076; Proviso (Sir B. Hall), [A. 36, N. 100, M. 64] 1078; Amend. (Lord D. Stuart), *ib.*, [*o. q.* A. 93, N. 37, M. 56] 1079;
cl. 64, Amend. (Mr. L. Hodges), 1286;
add. cl. (Mr. Lacy), *ib.*; *add. cl.* (Mr. L. Hodges), [A. 19, N. 180, M. 161] 1287; *add. cl.* (Attorney General), *ib.*; *add. cl.* (Sir B Hall), 1289; *cl. neg.* 1292

Ireland,
Dublin Hospitals, c. Comm. moved for (Mr. Grogan), 721; Motion *neg.* 723
Evictions, c. Question (Mr. Napier), 675
Ministers' Money, c. Observations (Mr. W. Fagan), 485

Ireland—continued:
Poor Laws, *c*. Res. (Mr. F. French), 723, [A. 65, N. 90, M. 25] 752
Religious Persecution by the Newry Board of Guardians, *c*. Question (Mr. G. H. Moore), 389
Supply—Public Works, *c*. 359 ; Amend. (Col. Sibthorp), 363, [A. 47, N. 124, M. 77] 365 ; —*Chief Secretary*, Amend. (Col. Sibthorp), [A. 41, N. 156, M. 115] 426
Borough Courts of Record, see *Borough Courts of Record (Ireland) Bill*
Census see *Population (Ireland) National Census Bill*
Chancery, Court of, see *Chancery Court of (Ireland) Bill*
Distress for Rent, see *Distress for Rent (Ireland) Bill*
Distressed Unions Advances, see *Distressed Unions Advances, &c. (Ireland) Bill*
Elections, see *Elections (Ireland) Bill*
Estates Leasing, see *Estates Leasing (Ireland) Bill*
Exchequer, Court of, see *Exchequer, Court of (Ireland) Bill*
Fines, Collection of, see *Fines, Collection of (Ireland) Bill*
Fish, Engines for taking, see *Fish, Engines for taking (Ireland) Bill*
Incumbered Estates, see *Incumbered Estates (Ireland) Bill*
Judgments, see *Judgments (Ireland) Bill*
Landlord and Tenant, see *Landlord and Tenant (Ireland) Bill*
Linen, &c., see *Linen, &c., Manufacturers (Ireland) Bill*
Lord Lieutenancy Abolition, see *Lord Lieutenancy Abolition (Ireland) Bill*
Municipal Corporations, see *Municipal Corporations (Ireland) Bill*
Parliamentary Voters, see *Parliamentary Voters (Ireland) Bill*
Petty Sessions, see *Petty Sessions (Ireland) Bill*
Prerogative, Court of, see *Prerogative, Court of (Ireland) Bill*
Registration of Deeds, see *Registration of Deeds (Ireland) Bill*
Small Tenements Recovery, see *Small Tenements Recovery (Ireland) Bill*
Summary Jurisdiction, see *Summary Jurisdiction (Ireland) Bill*
Tenant Right, see *Tenant Right (Ireland) Bill*
Tenements Recovery, see *Tenements Recovery (Ireland) Bill*
Turnpike Roads, see *Turnpike Roads (Ireland) Bill*

Jackson, Mr. W., *Newcastle-under-Lyme*
Chester and Holyhead Railway, 3R. *add. cl.* 387

Jervis, Sir J., *see* Attorney General, The

Jews—Oath of Abjuration, Bill
c. Comm. 487 ; 1R.* 488

Jocelyn, Viscount, *King's Lynn*
Railway Communication in India, Papers moved for, 1099, 1111, 1113, 1119
Supply—Buckingham Palace, 323

Jolliffe, Sir W. J. H., *Petersfield*
Landlord and Tenant, Com. *cl.* 1, 1125
Metropolitan Interments, Com. *cl.* 30, 929
Supply—Poor Law, 417 ; — Chief Secretary (Ireland) 426

Judges of Assize Bill,
c. 1R.* 716 ; 2R.* 823 ; Rep.* 879 ; 3R.* 980
l. 1R.* 1146 ; 2R.* 1292

Judgments (Ireland) Bill,
l. 2R. 6 ; Rep.* 1199

Keogh, Mr. W., *Athlone*
Prerogative, Court of (Ireland), 2R. 152, 153, 155, 156, 157 ; Comm. 710, 711, 712

Kershaw, Mr. J., *Stockport*
Libraries, Public, and Museums, Com. *cl.* 1, 1176

Kinnaird, Lord
Australian Colonies Government, 951 ; Com. *cl.* 30, 1226

Knox, Colonel B. W., (*Marlow, Great*)
Metropolitan Waterworks, 2R. 17

Lacy, Mr. H. C., *Bodmin*
Metropolitan Interments, Com. Amend. 677 ; *cl.* 19, 859 ; *cl.* 20, 865 ; *add. cl.* 1286

Landlord and Tenant Bill,
c. Com. 1119 ; Amend. (Col. Sibthorp), 1120, [*o. q.* A. 65, N. 22, M. 43] 1121 ;
cl. 1, Amend. (Sir J. Y. Buller), *ib.*, [*o. q.* A. 65, N. 84, M. 19] 1126 ;
cl. 9, Amend. (Mr. T. Greene), 1127, [A. 117, N. 46; M. 71] 1128

Landlord and Tenant (Ireland) Bill,
l. 1R.* 598

Langdale, Lord
Australian Colonies Government, Com. *cl.* 31, 1299
Fees (Court of Common Pleas), 2R. 429
Privilege, Breach of, 455

Lansdowne, Marquess of
Appeals to the Privy Council, &c., 2R. Amend. 620, 623, 626, 629, 648, 652, 668
Australian Colonies Government, Com. *add. cl.* 1066
Cuban Expedition, The, 873, 874, 875, 876
Distress for Rent (Ireland), 2R. 492
Distressed Unions Advances (Ireland), Com. 9, 10
Estates Leasing (Ireland), 2R. 8, 9
French Ambassador, Departure of the, 102, 163, 165, 166
Greece, Affairs of, 795, 798, 1320, 1332, 1343, 1351
Incumbered Estates (Ireland), Act Amendment, 2R. 941, 943
Judgments (Ireland), 2R. 6, 8
Parliamentary Voters (Ireland), 2R. 799, 822
Parochial Assessments, Comm. moved for, 4

Lascelles, Rt. Hon. W. S. S., *Knaresborough*
Prince, Birth of a, Her Majesty's Answer to Address, 384

Law, Hon. C. E. *Cambridge University*
Libraries, Public, and Museums, Com. *cl.* 1, 1178, 1179
Marriages, Com. *cl.* 3, 1190
Supply—Poor Law, 420; — The Mint, 422, 423

Lawless, Hon. J. C., *Clonmel*
Lord Lieutenancy Abolition (Ireland), Leave, Amend. Adj. 228

Leases Defects in, Act Amendment Bill,
l. 2R.* 158; 3R.* 366; Royal Assent, 491

Lea River Trust Bill,
c. 2R. 387; Amend. (Mr. Mowatt), 388; Amend. withdrawn, 389

Lefevre, Rt. Hon. C. S., *see* Speaker, The

Leinster, Duke of
Judgments, (Ireland), 2R. 8

Lennard, Mr. T. B., *Maldon*
Metropolitan Interments, Com. *cl.* 9, 709

Lewis, Mr. G. C., *Herefordshire*
Population—National Census, Leave, 870, 871

Libraries, Public, and Museums, Bill,
c. Com. *cl.* 1, 108; Amend. (Col. Sibthorp), 1174, [*o. q.* A. 87, N. 21, M. 66] 1177; Amend. (Mr. Brotherton), [*r. p.* A. 68, N. 48, M. 20] 1178;
Motion (Mr. Ewart), [A. 85, N. 47, M. 58] 1179

Life Policies of Assurance (No. 2) Bill,
c. Com. *cl.* 1, 106; Amend. (Sir F. Thesiger), *ib.*, [A. 69, N. 66, M. 3] 108

Limerick, Bishop of
Australian Colonies Government, Com. *add. cl.* 1065

Linen, &c., Manufactures (Ireland), Bill,
c. 1R.* 675; 2R.* 980

Llandaff, The Bishop of— Universities Commission,
c. Question (Mr. Horsman), 899

Local Acts,
c. Comm. moved for (Mr. W. Patten), 456

London, Bishop of
*Appeals to the Privy Council, 2R. 598, 623, 625, 626, 645, 672, 673
Parochial Assessments, Comm. moved for, 4

London (Watford) Spring Water Company Bill,
c. 2R. 12; Amend. (Mr. Repton), *ib.*, [*o. q.* A. 90, N. 196, M. 106] 14

Londonderry, Marquess of
Incumbered Estates (Ireland) Act Amendment, 2R. 935

Lord Leutenancy Abolition (Ireland) Bill,
c. Leave, 171; Amend. Adj. (Hon. C. Lawless), 229, [A. 19, N. 213, M. 194] 231; Amend. Adj. (Mr. M. J. O'Connell), *ib.*; Motion withdrawn, 232, [*o. q.* A. 170, N. 17, M. 153] *ib.*;
1R.* *ib.*; 2R. 1008; Amend. (Mr. Grattan), 1013; Amend. Adj. (Mr. C. Anstey), 1028, [A. 63, N. 188, M. 125] 1029; Amend. Adj. (Mr. Roche), *ib.*; Motion withdrawn, 1030; Adj. Debate, 1405

Lucan, Earl of
Distress for Rent (Ireland), 2R. 492

Lushington, Mr. C., *Westminster*
Metropolitan Interments, Com. 681; *cl.* 8, 708; *cl.* 30; Amend. 919, 931

Lyttelton, Lord
Appeals to the Privy Council, &c., 2R. 645
Australian Colonies Government, Com. 978, 1043: *cl.* 5, 1048; *cl.* 8, 1049; *add. cl.* 1050, 1055, 1066; *cl.* 30, 1227

M'Cullagh, Mr. W. T., *Dundalk*
County Courts Extension, Com. *add. cl.* 1166, 1167
Elections (Ireland), 3R. *add. cl.* 460, 463
Lord Lieutenancy Abolition (Ireland), 2R. 1029, 1442
Prerogative, Court of (Ireland), Comm. 713

Macgregor, Mr. J., *Glasgow*
Brooke, Sir J., 303
Marriages, Com. *cl.* 6, 1199
Navy Estimates, 292, 303
Supply—The Treasury, 392

Mackenzie, Mr. W. F., *Peebles-shire*
Drainage and Improvement of Land Advances, Com. *cl.* 1, 881
Home made Spirits in Bond, Res. 1098
Prerogative, Court of Ireland, Comm. 710

Mackinnon, Mr. W. A., *Lymington*
Metropolitan Interments, Com. *cl.* 2, 695; *cl.* 19, 859; *cl.* 27, 906
Ramsgate Harbour, Comm. moved for, 1080, 1088

Mahon, Viscount, *Hertford*
Greece, Affairs of, 251
Passport System, 399, 404
Supply—New Houses of Parliament, 353, 354

Mahon, Mr. J. P. O. G. (The O'Gorman Mahon), *Ennis*
Brooke, Sir J., 304
Lord Lieutenancy Abolition (Ireland), Leave, 231; 2R. 1029
Marriages, Com. *cl.* 6, 1198

MALMESBURY, Earl of
- Agricultural Distress, 372
- Parochial Assessments, Comm. moved for, 5
- Sunday Trading Prevention, Com. 5

Manchester Rectory Division Bill,
- *c.* 3R. 11
- *l.* 1R.* 101 ; 2R.* 931

MANGLES, Mr. R. D., *Guildford*
- Railway Communication in India, 1118
- Sugar Duties, 543

MANNERS, Lord J. J. R., *Colchester*
- Brooke, Sir J., 302, 303
- Factories, Com. Amend. 1243
- Navy Estimates, 290, 302
- Prerogative, Court of (Ireland), 2R. 156
- Supply—Public Works (Ireland), 363

Marriages Bill,
- Com. Adj. Debate, Amend. (Mr. Divett), 111, [*o. q.* A. 42, N. 40, M. 2] 112
- *cl.* 2, *ib.*; Amend. (Sir F. Thesiger), 119, [*o. q.* A. 111, N. 68, M. 43] 136 ; Amend. (Rt. Hon. F. Maule), 142, [A. 137, N. 144, M. 7] 152
- *cl.* 3. 1179 ; Amend. (Mr. Roundell Palmer), 1186, [A. 103, N. 145, M. 42] 1190
- *cl.* 6, 1190 ; Amend. (Col. Chatterton), 1195, [A. 114, N. 132, M. 18] 1199

MASTERMAN, Mr. J., *London*
- Metropolitan Interments, Com. 683
- Ramsgate Harbour, Comm. moved for, 1081, 1088

MAULE, Rt. Hon. F., *Perth*
- Hudson's Bay, 1079, 1080
- Marriages, Com. *cl.* 2 ; Amend. 138, 152 ; *cl.* 6, 1196, 1197
- Supply—Public Works (Ireland), 362

Maynooth, Grant to—Supply,
- *c.* 596 ; Amend. (Mr. Forbes), [*o. q.* A. 68, N. 55, M. 13] 597

Metropolitan Interments Bill,
- *c.* Rep.* 384 ; Com. 677 ; Amend. (Mr. Lacy), *ib.* ; Amend. Adj. (Mr. Wyld), 689 ; Motion withdrawn, 692, [*o. q.* A. 159, N. 57, M. 102] 692 ;
- *cl.* 2, *ib.*, [A. 135, N. 57, M. 78] 706 ;
- *cl.* 6, *ib.*; *cl.* 7, 707 ; *cl.* 8, 708 ; *cl.* 9, 709 ; *cl.* 10, *ib.*;
- *cl.* 19, Amend. (Mr. Stanford), 896 ; Amend. withdrawn, 858 ; Amend. (Mr. Roebuck), *ib.*, [*o. q.* A. 88, N. 48, M. 40] 860 ;
- *cl.* 20, *ib.*; Amend. (Mr. Stanford), 862; Amend. withdrawn, 865 ; Amend. (Mr. D'Eyncourt), [A. 64, N. 171, M. 107] 869 ;
- *cl.* 23, *ib.*;
- *cl.* 27, 903 ; Amend. (Mr. Wakley), 911; Amend. withdrawn, 912 ; Proviso (Mr. Sadleir), 914 ; Proviso neg. *ib.*;
- Proviso (Mr. Bright), *ib.*; Proviso neg. 916, [A. 104, N. 25, M. 79] *ib.*;
- *cl.* 28 ; Amend. (Mr. Stanford), *ib.*; Amend. withdrawn, 917 ;
- *cl.* 30, *ib.*; Amend. (Mr. Lushington), 921, [A. 88, N. 126, M. 38] 927 ; Amend. (Sir B. Hall), 928 ; (Mr. Hume), [*r. p.* A. 52, N. 144, M. 92] 930 ; Amend. (Hon. E. P. Bouverie), [*o. q.* A. 136, N. 23, M. 113] 931 ; Amend. (Rt. Hon. Sir G. Grey), 1068 ;

Metropolitan Interments Bill—cont.
- *cl.* 32, 1073 ; *cl.* 33, 1075 ;
- *cl.* 53, 1076 ; Proviso (Sir B. Hall), [A. 36, N. 100, M. 64] 1078 ; Amend. (Lord D. Stuart), *ib.*, [*o. q.* A. 93, N. 37, M. 56] 1079 ;
- *cl.* 64, Amend. (Mr. L. Hodges), 1286 ;
- *add. cl.* (Mr. Lacy), *ib.* ; *add. cl.* (Mr. L. Hodges), [A. 19, N. 180, M. 161] 1287 ;
- *add. cl.* (The Attorney General), *ib.*; *add. cl.* (Sir B. Hall), 1289 ; *cl.* neg. 1292

Metropolitan Water Works (Henley on Thames and London Viaduct) Bill,
- *c.* 2R. 15 ; Amend. (Mr. T. P. Williams), *ib.*, [*o. q.* A. 116, N. 216, M. 100] 19

MILES, Mr. W., *Somersetshire, E.*
- Corn, Foreign, Comm. moved for, 47
- Drainage and Improvement of Land Advances, Com. *cl.* 4, 886
- Emigration of Orphan Children, 433
- Supply—Poor Law, 418, 420, 421

Military Pensions,
- *l.* Petition (Duke of Richmond), 871

Ministers' Money (Ireland),
- *c.* Observations (Mr. W. Fagan), 485

Mint, The—Supply,
- *c.* 421

MINTO, Earl of
- Sunday Trading Prevention, Com. 5

MITCHELL, Mr. T. A., *Bridport*
- Corn, Foreign, Comm. moved for, 49, 52
- County Courts Extension, Com. *add. cl.* 1166
- Wood used in Shipbuilding, Res. 307, 309

MOFFATT, Mr. G., *Dartmouth*
- Coffee, Adulteration of, 278
- Metropolitan Interments, Com. *cl.* 7, 707
- Ramsgate Harbour, Comm. moved for, 1087

MOLESWORTH, Sir W., *Southwark*
- Lea River Trust, 2R. 388
- Metropolitan Water Works, 2R. 15
- Navy Estimates, Amend. 290, 294

MONSELL, Mr. W., *Limerick Co.*
- Emigration of Orphan Children, 451
- Marriages, Com. *cl.* 6, 1198
- Prerogative, Court of (Ireland), 2R. 153
- Supply—Poor Law, 413, 414
- Tenements Recovery (Ireland), 2R. 754

MONTEAGLE, Lord
- Australian Colonies Government, 427, 428 ; 2R. 514, 947, 948, 952 ; Com. Amend. 1030 ; *cl.* 8, 1048, 1049 ; *cl.* 14, 1050 ; *add. cl.* 1055
- Distressed Unions Advances (Ireland), Com. 9
- Fees (Court of Common Pleas), 2R. 429
- Universities Commission, Address moved, 1146

Moody, Mr. C. A., *Somersetshire, W.*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 888

Moore, Mr. G. H., *Mayo Co.*
Commons, The New House of, 459
Lord Lieutenancy Abolition (Ireland), 2R. 1430
Religious Persecution by the Newry Board of Guardians, 389

Mount Cashell, Earl of
Sunday Trading Prevention, Com. 493, 496; Rep. 715

Mowatt, Mr. F., *Penryn and Falmouth*
Lea River Trust, 2R. Amend. 387, 388
Metropolitan Interments, Com. *cl.* 2, 703
Metropolitan Water Works, 2R. 17

Mullings, Mr. J. R., *Cirencester*
Life Policies of Assurance (No. 2), Com. 107
Marriages, Com. *cl.* 2, 136

Municipal Corporations (Ireland) Bill,
c. 1R.* 11; 2R.* 237; Rep.* 384; 3R.* 823
l. 1R.* 871

Muntz, Mr. G. F., *Birmingham*
Commons, The New House of, 459
Education, 2R. 792
Factories, Com. 851, 1265
Metropolitan Water Works, 2R. 17
Post Office, 483

Naas, Lord, *Kildare Co.*
Elections (Ireland), 3R. *add. cl.* 461
Home-made Spirits in Bond, Comm. moved for, 1088
Lord Lieutenancy Abolition (Ireland), Leave, 232; 2R. 1438
Poor Law (Ireland), 734
Tenements Recovery (Ireland), 2R. 754

Napier, Mr. J., *Dublin University*
Education, 2R. 777
Evictions in Ireland, 675, 676
Lord Lieutenancy Abolition (Ireland), 2R. 1421
Marriages, Com. *cl.* 2, 125; *cl.* 6, 1196, 1199
Prerogative, Court of (Ireland), 2R. 153; Comm. 711, 713
Tenements Recovery (Ireland), 2R. 755

National Gallery, The,
c. Question (Col. Rawdon), 895

Naval Prize Balance Bill,
l. 2R.* 598; 3R.* 871

Navy,
Estimates, c. 287; Amend. (Sir W. Molesworth), 290; Amend. withdrawn, 294; Amend. (Mr. Cobden), *ib.*; [*o. q.* A. 145, N. 20, M. 125] 307
Impressment of Seamen, c. Observations (Hon. Capt. Harris), 279

Newdegate, Mr. C. N., *Warwickshire, N.*
Corn, Foreign, Comm. moved for, 94
Factories, Com. 1264

Newdegate, Mr. C. N.,—*continued.*
Landlord and Tenant, Com. *cl.* 1, 1124, *cl.* 9, 1127
Metropolitan Interments, Com. *cl.* 27, 912; *cl.* 30, 923, 924
Oath of Abjuration (Jews), Comm. 488
Supply—The Treasury, 398

Norreys, Sir C. D. O. J., *Mallow*
Supply—New Houses of Parliament, 1006

O'Brien, Sir L., *Clare*
Lord Lieutenancy Abolition (Ireland), Leave, 210
O'Brien, Mr. Smith, Treatment of, 1231
Poor Laws (Ireland), 750, 752
Supply—Civil Services, 234

O'Brien, Mr. Smith, Treatment of,
c. Question (Sir L. O'Brien), 1231

O'Connell, Mr. M., *Tralee*
Elections (Ireland), 3R. *add. cl.* 461
Lord Lieutenancy Abolition (Ireland), Leave, 202; 2R. 1016
Prerogative, Court of (Ireland), 2R. 156
Supply—Public Works (Ireland), 362, 363

O'Connell, Mr. M. J., *Kerry, Co.*
Lord Lieutenancy Abolition (Ireland), Leave, 229; Amend. Adj. 231, 232

O'Connor, Mr. F., *Nottingham*
Protectionist, Meeting, The late, 105

O'Flaherty, Mr. A., *Galway*
Elections (Ireland), 3R. *add. cl.* 462
Poor Laws (Ireland), 752
Tenements Recovery (Ireland), 2R. 753

Orphan Children, Emigration of,
c. Motion (Mr. W. Miles), 433; Amend. (Mr. Stafford), 445; Amend. (Mr. Hawes), 451; House counted out, 452

Osborne, Mr. R. B., *Middlesex*
Commons, The New House of, 458
London (Watford), Spring Water Company, 2R. 13
Lord Lieutenancy Abolition (Ireland), Leave, 202
Metropolitan Interments, Com. 681, 690; *cl.* 19, 859; *cl.* 20, 863, 866, 1004; *cl.* 30, 1071
Metropolitan Water Works, 2R. 18
Parliament, New Houses of, 102
Supply—New Houses of Parliament, 235, 328, 332, 335, 347, 356, 986, 997, 998;—Buckingham Palace, 323; Amend. 325;—Public Works (Ireland), 362

Oswald, Mr. A., *Ayrshire*
Marriages, Com. *cl.* 2, 142; *cl.* 3, 1189

Oxford, Bishop of
Appeals to the Privy Council, &c., 2R. 663
Australian Colonies Government, Com. Amend. 956, 969; *add. cl.* 1056, 1066, 1067

Pakington, Sir J. S., *Droitwich*
Sugar Duties, 567, 570

Palaces, Royal—Supply,
c. 319, Amend. (Col. Salwey), 320; Amend. withdrawn, 322;—*Buckingham Palace*, 323

Palmer, Mr. Robert, *Berkshire*
Metropolitan Water Works, 2R. 15
Small Tenements Rating, 3R. 1144

Palmer, Mr. Roundell, *Plymouth*
Marriages, Com. *cl.* 2, 132, 137; *cl.* 3, Amend. 1179, 1190
Metropolitan Interments, Com. *add. cl.* 1290

Palmerston, Viscount, *Tiverton*
Cuba, American Expedition against, 898
Greece, Affairs of, 105, 237, 249, 318, 319, 717, 719
Passport System, 402, 404
Sugar Duties, 588
Supply—Foreign Office, 405, 406

Parish Constables Bill,
l. 3R.* 158

Parliament, New Houses of,
c. Question (Mr. B. Osborne), 102;—*The New House of Commons*, Observations (Rt. Hon. Sir G. Grey), 433; First Sitting in, 456; Question (Mr. B. Osborne), 458; (Mr. Bankes), 755;—*Sewerage of*, Question (Mr. T. Greene), 1159

Parliament, New Houses of—Supply,
c. 235, 328; Amend. (Sir D. L. Evans), [A. 94, N. 75, M. 19] 359; Amend. (Mr. Hume), 390, [A. 48, N. 110, M. 62] 391; 2nd Amend. 986; [*o. q.* A. 144, N. 62, M. 82] 1005; Comm. moved for, (Mr. Hume), *ib.*, [*o. q.* A. 85, N. 55, M. 30] 1008

Parliamentary Voters, &c. (Ireland) Bill,
l. 2R. 799

Parochial Assessments,
l. Comm. moved for, (Lord Portman), 1

Passport System, The,
c. Observations (Viscount Mahon), 399

Patten, Mr. J. W., *Lancashire, N.*
Chancellor, The Lord, 431
Factories, Com. 1269, 1276
Local Acts, Comm. moved for, 456
Petitioning, Right of—Post Office Patronage, 892

Pechell, Sir G. R., *Brighton*
Assessed and Window Duties Repeal, Leave, 315
County Courts Extension, Com. *add. cl.* 1164, 1166
Libraries and Museums, Public, Com. *cl.* 1, 110
Metropolitan Interments, Com. *cl.* 53, 1077
Navy, Estimates, 288, 289
Ramsgate Harbour, Comm. moved for, Amend. 1086
Small Tenements Rating, 3R. 1145
Supply—Poor Law, 414

Peel, Rt. Hon. Sir R., *Tamworth*
Lord Lieutenancy Abolition (Ireland), 2R. 1029, 1407, 1420, 1421

Peel, Rt. Hon. Sir R.—*continued.*
Metropolitan Interments, Com. 687
Petitioning, Right of—Post Office Patronage, 893
Supply—New Houses of Parliament, 990, 1001, 1004, 1007

Pelham, Hon. Capt. D.'A., *Boston*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 887

Petitioning, Right of—Post Office Patronage,
c. Petition (Mr. C. Anstey), 980

Peto, Mr. S. M., *Norwich*
Marriages, Com. *cl.* 2, 124
Navy Estimates, 291, 292

Petty Sessions (Ireland) Bill,
c. 2R.* 384

Pleadings, Alterations in, Bill,
c. 2R.* 166; Rep.* 237; 3R.* 311
l. Royal Assent, 491

Plowden, Mr. W. H. C., *Newport (Isle of Wight)*
Navy Estimates—Sir J. Brooke, 297, 299, 303

Plumptre, Mr. J. E., *Kent, E.*
Corn, Foreign, Comm. moved for, 36
Oath of Abjuration (Jews), Comm. 488
Post Office, 483
Supply—Grant to Maynooth, 597

Police and Improvement (Scotland) Bill,
c. 3R.* 528
l. 1R.* 598

Polwarth, Lord
Australian Colonies Government, 952

Poor Law—Supply,
c. 409; Amend. (Mr. Arkwright), 416, [A. 36, N. 157, M. 121] 418; Amend. (Mr. Ald. Sidney), [A. 56, N. 18, M. 125] 420

Poor Laws (Ireland),
c. Res. (Mr. F. French), 723, [A. 65, N. 90, M. 25] 752

Population—National Census Bill,
c. Leave, 870; 1R.* 871

Population (Ireland)—National Census Bill,
c. 1R.* 1067

Portman, Lord
Parochial Assessments, Comm. moved for, 1
St. Burian Division, Deanery of, 1R. 366
Sunday Trading Prevention, Rep. 716

Post Office, Sunday Labour in the,
l. Observation (Lord Brougham), 493
c. Address moved (Lord Ashley), 466, [A. 93, N. 68, M. 25] 484; Question (Mr. C. Anstey), 720; Her Majesty's Reply, 980;—*Patronage*, Petition (Mr. C. Anstey), 890

Powis, Earl of
Australian Colonies Government, Com. *add. cl.* 1067
Universities Commission, Address moved, 1153

Prerogative Court of (Ireland) Bill,
c. 2R. 152; Amend. (Mr. Reynolds), 154, [A. 34, N. 91) M. 57] 156; 2nd Div. [A. 20, N. 95, M. 75] *ib.*; (Col. Chatterton), [A. 20, N. 83, M. 63] 157, 384;
Nomination of Comm. 710; 1st Div. [A. 106, N. 29, M. 77] 712; 2nd Div. [A. 77, N. 30, M. 47], 713; 3rd Div. [A. 75, N. 36, M. 39] *ib.*

Price, Sir R., *Hereford*
Supply—Poor Law, 416

Prince, Birth of a,
l. Her Majesty's Answer, 368
c. 384

Privilege, Breach of,
l. Observations (Lord Brougham), 452

Process and Practice (Ireland) Bill,
l. 3R.* 101; Royal Assent, 491

Process and Practice (Ireland) Act Amendment Bill,
l. 1R.* 491; 2R.* 598; 3R.* 598
c. 1R.* 675; 2R.* *ib.*; Rep.* 716; 3R.* *ib.*
l. Royal Assent, 931

Protectionist Meeting, The late,
c. Question (Mr. F. O'Connor), 105

Protest—Australian Colonies Government,
l. 1467

Prussian Minister's Residence Bill,
l. 2R.* 1; Rep.* 101

Public Houses (Scotland),
l. 1R.* 598; 2R.* 1199

Public Works (Ireland)—Supply,
c. 360; Amend. (Col. Sibthorp), 363, [A. 47, N. 124, M. 77] 364

Pusey, Mr. P., *Berkshire*
Landlord and Tenant, Com. 1119; *cl.* 1, 1121, 1124, 1126; *cl.* 9, 1127, 1128

Queen, The, *Birth of a Prince, Her Majesty's Answer,*
l. 368
c. 384

Railways, Accidents on, Bill,
c. 1R.* 980

Railway Audit (No. 2) Bill,
l. 1R.* 714; 2R.* 871; Rep.* 931; 3R.* 1030
c. 1R.* 1158

Railway Communication in India,
c. Papers moved for (Viscount Jocelyn), 1099

Ramsgate Harbour,
c. Comm. moved for (Mr. Mackinnon), 1080; Amend. (Sir G. Pechell), 1086, [A. 60, N. 71, M. 11] 1088; [*o. q.* A. 78, N. 47, M. 31] *ib.*

Rawdon, Lieut. Col. J. D., *Armagh City*
Marriages, Com. *cl.* 6, 1199

Rawdon, Lieut. Col. J. D.—*continued.*
National Gallery, The, 895
Petitioning, Right of—Post Office Patronage, 894
Prerogative Court of (Ireland), 2R. 157; Comm. 713
Supply—New Houses of Parliament, 356, 358; —Poor Law, 414

Records, Public—Supply
c. 424

Redesdale, Lord
Appeals from the Privy Council, &c., 2R. 639
Australian Colonies Government, 951; Com. *add. cl.* 1066; *cl.* 30, 1228
Estates Leasing (Ireland), 2R. 8
Fees (Court of Common Pleas), 2R. 429
Privilege, Breach of, 455

Registration of Deeds (Ireland) Bill,
c. Rep.* 11; 3R. 364
l. 1R.* 366

Religious Persecution by the Newry Board of Guardians,
c. Question (Mr. G. H. Moore), 389

Repton, Mr. G. W. J., *St. Albans*
London (Watford) Spring Water Company, 2R. Amend. 12
Supply—Public Works (Ireland), 363

Reynolds, Mr. J., *Dublin City*
Lord Lieutenancy Abolition (Ireland), Leave, 211; 2R. 1460
Prerogative Court of (Ireland), 2R. Amend. 154, 156, 157

Ricardo, Mr. J. L., *Stoke-upon-Trent*
Wood used in Shipbuilding, 310

Rice, Mr. E. R., *Dover*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 887

Richmond, Duke of
Incumbered Estates (Ireland) Act Amendment, 2R. 933
Military Pensions, 871

Roche, Mr. E. R., *Cork City*
Chester and Holyhead Railway, 3R. *add. cl.* 387
Drainage and Improvement of Land Advances, Com. 881; *cl.* 8, Amend. 889
Elections (Ireland), 3R. *add. cl.* 461, 464
Lord Lieutenancy Abolition (Ireland), 2R. Amend. Adj. 1029, 1416
Tenements Recovery (Ireland), 2R. 754

Roebuck, Mr. J. A., *Sheffield*
French Ambassador, Recall of the, 167
Lord Lieutenancy Abolition (Ireland), 2R. 1020
Marriages, Com. *cl.* 2, 147, 150
Metropolitan Interments, Com. *cl.* 19, 857; Amend. 858, 859; *cl.* 20, 862, 865, 868
Parliament, New Houses of, 104
Passport System, The, 403, 404
Supply—Foreign Office, 405;—New Houses of Parliament, 1006

Romilly, Sir J., *see* Solicitor General, The

Russell, Rt. Hon. Lord J., *London*
  Addresses to Her Majesty, 1404
  Chancellor, The Lord, 432, 433, 897
  Ecclesiastical Commissioners, 170, 171
  Evictions in Ireland, 676
  Factories, Com. 1272
  French Ambassador, Recall of the, 166, 167, 168, 169, 264
  Greece, Affairs of, 262
  Lord Lieutenancy Abolition (Ireland), Leave, 171, 224, 231 ; 2R. 1008, 1023, 1029, 1030
  Metropolitan Interments, Com. 685, 691 ; *cl.* 2, 701, 703 ; *cl.* 20, 867, 869 ; *cl.* 30, 930, 931 ; *add. cl.* 1288
  Ministers' Money (Ireland), 486
  National Gallery, The, 895
  Oath of Abjuration (Jews), Comm. moved for, 487
  Petitioning, Right of—Post Office Patronage, 893, 894
  Post Office, 981
  Supply—Civil Services, 234 ;—New Houses of Parliament, 331, 1002, 1004, 1006
  Universities Commission—The Bishop of Llandaff, 900
  Universities, English and Irish, 491

Rutherfurd, Rt. Hon. A., *see* Advocate, The Lord

Sadleir, Mr. J., *Carlow Borough*
  Lord Lieutenancy Abolition (Ireland), 2R. 1427
  Marriages, Com. *cl.* 6, 1197, 1199
  Metropolitan Interments, Com. *cl.* 19, 859 ; *cl.* 20, 868 ; *cl.* 27, 905 ; Proviso, 914
  Tenements Recovery (Ireland), 2R. 755

St. Asaph, Bishop of
  Sunday Trading Prevention, Com. 495

St. Burian Division, Deanery of, Bill,
  l. 1R.* 366

St. David's, Bishop of
  Appeals to the Privy Council, &c., 2R. 634

St. George, Mr. C., *Galway Co.*
  Tenements Recovery (Ireland), 2R. 755

St. Germans, Earl of
  Australian Colonies Government, 952, 955, 956 ; Com. 1044
  Parliamentary Voters (Ireland), 2R. 817, 820
  Sunday Trading Prevention, Com. 491

Salisbury, Marquess of
  Agricultural Distress, 370

Salisbury, Bishop of
  Australian Colonies, Government, Com. *add. cl.* 1064

Salwey, Col. H., *Ludlow*
  Supply—Royal Palaces, Amend. 320, 321 ;—New Houses of Parliament, 342

Sandars, Mr. G., *Wakefield*
  Corn, Foreign, Comm. moved for, 51

School District Contributions Bill,
  l. Royal Assent, 158

Scotland,
  Court of Session, see *Court of Session (Scotland) Bill*
  Cruelty to Animals, see *Cruelty to Animals (Scotland) Bill*
  Police, see *Police and Improvement (Scotland) Bill*
  Public Houses, see *Public Houses (Scotland) Bill*
  Titles of Religious Congregations, see *Titles of Religious Congregations (Scotland) Bill*

Scott, Hon. F., *Berwickshire*
  Marriages, Com. *cl.* 2, 152
  Prerogative, Court of (Ireland), 2R. 156

Scrope, Mr. G. P., *Stroud*
  Evictions in Ireland, 676, 677
  Poor Laws (Ireland), 746
  Small Tenements Rating, 3R. Amend. 1142
  Tenements Recovery (Ireland), 2R. Amend. 753

Scully, Mr. F., *Tipperary*
  Elections (Ireland), 3R. *add. cl.* 462

Session, Court of (Scotland) Bill,
  c. 3R.* 528
  l. 1R.* 598

Seymer, Mr. H. K., *Dorsetshire*
  Drainage and Improvement of Land Advances, Com. *cl.* 1, 883
  Landlord and Tenant, Com. *cl.* 1, 1125
  Supply—Poor Law, 412

Seymour, Lord, *Totness*
  Supply—Royal Palaces, 321, 322 ;—Buckingham Palace, 323, 326

Sheil, Rt. Hon. R. L., *Dungarvon*
  Chester and Holyhead Railway, 3R. *add. cl.* 386
  Lord Lieutenancy Abolition (Ireland), 2R. 1451
  Supply—The Mint, 421, 422, 423, 424

Sibthorp, Col. C. D. W., *Lincoln*
  Brooke, Sir J., 301
  Burgess Lists, 2R. Amend. 1140
  Commissions of Inquiry, Expenses of, 286
  Corn, Foreign, Comm. moved for, 35
  Landlord and Tenant, Com. Amend. 1119 ; *cl.* 1, 1125
  Libraries, Public, and Museums, Com. *cl.* 1, 108 ; Amend. 1174
  Lord Lieutenancy Abolition (Ireland), Leave, 230
  Marriages, Com. *cl.* 6, 1195
  Metropolitan Interments, Com. *add. cl.* 1287, 1288
  Navy Estimates, 301
  Prerogative, Court of (Ireland), 2R. 156
  Supply—Civil Services, 234 ;—Royal Palaces, 322 ; — Buckingham Palace, 326 ; — New Houses of Parliament, 341, 344 ;—Public

SIBTHORP, Col. C. D. W.—*continued.*
Works (Ireland), 362, 363;—The Treasury, 391;—Comptroller of the Exchequer, 407;—Poor Law, 409, 419;—Public Records, 425;—Chief Secretary (Ireland), Amend. 426

SIDNEY, Mr. Ald. T., *Stafford*
Burgess Lists, 2R. 1141
Factories, Com. 854, 1269
Libraries, Public, and Museums, Com. *cl.* 1, 1175
Metropolitan Interments, 686; *cl.* 2, 700; *cl.* 20, 861, 864; *cl.* 27, 904, 915; *cl.* 30, 930, 1070; *cl.* 53, 1077; *add. cl.* 1288
Supply—Poor Law, 411, 415; Amend. 418, 419;—The Mint, 424

SLANEY, Mr. R. A., *Shrewsbury*
Chester and Holyhead Railway, 3R. *add. cl.* 385
Corn, Foreign, Comm. moved for, 38, 41
Derby Day, Adjournment over the, 431
Drainage and Improvement of Land Advances, Com. 880; *cl.* 4, 887
Factories, Com. 854
Local Acts, Comm. moved for, 457
Metropolitan Interments, Com. *cl.* 2, 704
Supply—Poor Law, 419

Small Tenements Rating Bill,
c. 3R. 1142; Amend. (Mr. P. Scrope), 1143, [*o. q.* A. 94, N. 15, M. 79] 1145; *add. cl.* (Mr. Cockburn), *ib.* 1146

Small Tenements Recovery (Ireland) Bill,
l. 1R.* 931

SMITH, Rt. Hon. R. V., *Northampton*
Passport System, The, 403
Supply—Buckingham Palace, 326;—Houses of Parliament, 390;—The Treasury, 397;—Ecclesiastical Commission, 408;—Poor Law, 415

SMITH, Mr. J. G., *York*
Burgess Lists, 2R. 1142

SMYTHE, Hon. G. A., *Canterbury*
Greece, Affairs of, 252

SOLICITOR GENERAL, The (Sir J. Romilly), *Devonport*
Chancery, Court of, 2R. 1134
Landlord and Tenant, Com. *cl.* 9, 1127
Registration of Deeds (Ireland), 3R. 364, 365

SOMERVILLE, Rt. Hon. Sir W. M., *Drogheda*
Elections (Ireland), 3R. *add. cl.* 461, 463
Poor Laws (Ireland), 739
Religious Persecution by the Newry Board of Guardians, 389
Supply—Poor Law, 415

SPEAKER, The (Rt. Hon. C. S. Lefevre), *Hampshire, N.*
Commons, The New House of, 459, 756
Education, 2R. 791
Emigration of Orphan Children, 451

SPEAKER, The—*continued.*
Petitioning, Right of—Post Office Patronage, 891
Supply—Grant to Maynooth, 597;—New Houses of Parliament, 1004
Universities, English and Irish, 458

Spirits, Home Made, in Bond Bill,
c. Comm. moved for (Lord Naas), 1008, [A. 85, N. 53, M. 32] 1097; Res. 1098; 1R.* 1404

SPOONER, Mr. R., *Warwickshire, N.*
Libraries, Public, and Museums, Com. *cl.* 1, 1177

STAFFORD, Mr. A. S. O., *Northamptonshire, N.*
County Courts Extension, Com. *add. cl.* 1164
Elections (Ireland), 3R. *add. cl.* 462
Emigration of Orphan Children, Amend. 439

Stamp Duties (No. 2),
c. Res. 157

Stamp Duties (No. 2) Bill,
c. 1R.* 166; 2R.* 237

STANFORD, Mr. J. F., *Reading*
Factories, Com. 1264
Libraries and Museums, Public, Com. *cl.* 1, 109, 111, 1176
Metropolitan Interments, Com. *cl.* 19, Amend. 856, 858, 859; *cl.* 20, Amend. 862, 865; *cl.* 28, Amend. 916; *cl.* 53, 1077
Population—National Census, Leave, 871
Supply—New Houses of Parliament, 351

STANLEY, Lord
Agricultural Distress, 377, 384
Appeals to the Privy Council, &c. 2R. 648
Australian Colonies Government, 428; 2R. 508, 509, 522; Com. 973, 975, 978, 979; *cl.* 30, Amend. 1217, 1227; *cl.* 31, 1228, 1229; *cl.* 35, 1230
Cuban Expedition, The, 875, 876
Fees (Court of Common Pleas), 2R. 429
Greece, Affairs of, 796, 799,* 1293, 1343
Incumbered Estates (Ireland) Act Amendment, 2R. 941, 943
Parliamentary Voters (Ireland), 2R. 802, 814

STANLEY, Hon. E. H., *Lynn Regis*
Sugar Duties, 559

STANSFIELD, Mr. W. R. C., *Huddersfield*
Factories, Com. 853

Stranger in the Peeresses Gallery (Chevalier Bunsen),
l. Remarks (Lord Brougham), 1292

STRICKLAND, Sir G., *Preston*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 887
Landlord and Tenant, Com. 1120

STUART, Lord D. C., *Marylebone*
County Courts Extension, Com. *add. cl.* 1166

STUART, Lord D.—*continued.*
Metropolitan Interments, Com. 678, 690; *cl.* 2, 704; *cl.* 7, 708; *cl.* 10, 709; *cl.* 19, 856; *cl.* 20, 867; *cl.* 23, 869; *cl.* 27, 903, 916; *cl.* 30, 1070, 1072, 1073; *cl.* 53, 1076; Amend. 1078; *add. cl.* 1286
Navy Estimates, 294
Petitioning, Right of—Post Office Patronage, 893

STUART, Lord P. J. H., *Ayr, &c.*
Home-made Spirits in Bond, Comm. moved for, 1092

STUART, Mr. J., *Newark*
Chancery, Court of, 896
Commissions of Inquiry, Expenses of, 285, 287
Petitioning, Right of—Post Office Patronage, 892

Sugar Duties,
c. Motion (Sir E. N. Buxton), 528, [A. 234, N. 275, M. 41] 593

Summary Jurisdiction (Ireland) Bill,
c. 1R.* 166; 2R.* 980

Sunday Fairs Prevention Bill,
c. Rep.* 102; 3R.* 166
l. 1R.* 366; 2R.* 491; Rep.* 598; 3R.* 795; Royal Assent, 931

Sunday Trading Prevention Bill,
l. Com. 5, 492; *cl.* 2, 497; Rep. 714; 3R.* 795
c. 1R.* 1158

Supply,
Buckingham Palace, 323
Civil Services, 234
Ecclesiastical Commission, 408
Exchequer, Comptroller of the, 407
Factories, Inspectors of, 425
Foreign Office, 399
Maynooth, Grant to, 596; Amend. (Mr. Forbes), [*o. q.* A. 68, N. 55, M. 13] 597
Mint, The, 421
Navy Estimates, 287; Amend. (Sir W. Molesworth), 290; Amend. withdrawn, 294; Amend. (Mr. Cobden), *ib.* [*o. q.* A. 145, N. 20, M. 125] 307
Palaces, Royal, 319; Amend. (Col. Salwey), 320; Amend. withdrawn, 322
Parliament, New Houses of, 235, 328; Amend. (Sir D. L. Evans), [A. 94, N. 75, M. 19] 359; Amend. (Mr. Hume), 390, [A. 48, N. 110, M. 62] 391; 2nd Amend. 986, [*o. q.* A. 144, N. 62, M. 82] 1005; Comm. moved for (Mr. Hume), *ib.*, [*o. q.* A. 85, N. 55, M. 30] 1008
Poor Law, 409; Amend. (Mr. Arkwright), 416, [A. 36, N. 157, M. 121] 418; Amend. (Mr. Ald. Sidney), [A. 56, N. 181, M. 125] 420
Public Works (Ireland), 360; Amend. (Col. Sibthorp), 363, [A. 47, N. 124, M. 77] 364
Records, Public, 424
Secretary, Chief (Ireland), Amend. (Col. Sibthorp), [A. 41, N. 156, M. 115] 426
Treasury, The, 391

TAYLOR, Capt. T. E., *Dublin Co.*
Lord Lieutenancy Abolition (Ireland), Leave, 232
Supply—Public Works (Ireland), 362

Tenant Right (Ireland) Bill,
c. 1R.* 980

Tenants Recovery (Ireland) Bill,
c. 2R. 753; Amend. (Mr. P. Scrope), *ib.*; Bill put off, 755

THESIGER, Sir F., *Abingdon*
Life Policies of Assurance (No. 2), Com. Amend. 106
Marriages, Com. *cl.* 2, Amend. 112, 122, 137, 145, 147; *cl.* 3, 1188

THOMPSON, Lieut. Col. T. P., *Bradford*
Brooke, Sir J., 304
Coffee, Adulteration of, 279
Corn, Foreign, Comm. moved for, 70
County Courts Extension, Com. *add. cl.* 1172
Drainage and Improvement of Land Advances, Com. 879
Libraries, Public, and Museums, Com. *cl.* 1, 1179
Lord Lieutenancy Abolition (Ireland), 2R. 1462
Marriages, Com. *cl.* 2, 123, 151; *cl.* 6, 1196, 1198
Metropolitan Interments, Com. 677; *cl.* 10, 709; *cl.* 20, 868; *cl.* 27, 915; *cl.* 30, 919, 1069; *cl.* 33, 1076
Petitioning, Right of—Post Office Patronage, 892
Post Office, 479
Sugar Duties, 544
Supply—Royal Palaces, 321;—The Treasury, 391, 392, 396

THORNELY, Mr. T., *Wolverhampton*
Petitioning, Right of—Post Office Patronage, 891, 893, 894
Post Office, 980
Ramsgate Harbour, Comm. moved for, 1085, 1088
Supply—The Mint, 421

Titles of Religious Congregations Bill,
c. 3R.* 755
l. 1R.* 795

Titles of Religious Congregations (Scotland) Bill,
l Royal Assent, 158

Treasury, The—Supply,
c. 391

TRELAWNY, Mr. J. S., *Tavistock*
Drainage and Improvement of Land Advances, Com. Amend. 879; *cl.* 1, 884
Factories, Com. 853
Landlord and Tenant, Com. *cl.* 9, 1127

TROLLOPE, Sir J., *Lincolnshire (Parts of Kesteven and Holland)*
Drainage and Improvement of Land Advances, Com. 880; *cl.* 4, 885
Supply—Public Works (Ireland), 361

Trustees Act, 1850, *Bill*,
l. Rep.* 426 ; 3R.* 598
c. 1R.* 879

Turner, Mr. G. J., *Coventry*
Chancery, Court of, 2R. 1128
Landlord and Tenant, Com. *cl.* 9, 1127
Prerogative, Court of (Ireland), 2R. 156

Turnpike Roads (Ireland),
c. 1R.* 675 ; 2R.* 980 ; Rep.* 1231

Universities Commission,
l. Address moved (Lord Monteagle), 1146 ;—*The Bishop of Landaff*, *c.* Question (Mr. Horsman), 899

Universities, English and Irish,
c. Question (Rt. Hon. W. Gladstone), 457 ; Adjourned Debate, 488

Vane, Lord H. G., *Durham, S.*
Drainage and Improvement of Land Advances, Com. *cl.* 1, 882

Verney, Sir H., *Bedford*
Drainage and Improvement of Land Advances, Com. *cl.* 4, 886
Libraries, Public, and Museums, Com. *cl.* 1, 1179
Metropolitan Interments, Com. *cl.* 27, 907
Supply—New Houses of Parliament, 344

Vestries and Vestry Clerks Bill,
c. Rep.* 384 ; 3R.* 675
l. 1R.* 714

Villiers, Hon. C. P., *Wolverhampton*
Chester and Holyhead Railway, 3R. 386

Wakley, Mr. T., *Finsbury*
Metropolitan Interments, Com. 688 ; *cl.* 6, 707 ; *cl.* 20, Amend. 864, 869 ; *cl.* 27, 905 ; Amend. 910, 912 ; *cl.* 32, 1075 ; *cl* 53, 1078

Walpole, Mr. S. H., *Midhurst*
Landlord and Tenant, Com. *cl.* 9, 1127, 1128

Walsh, Sir J. B., *Radnorshire*
Greece, Affairs of—Recall of the French Ambassador, 167, 168, 237, 248

Walter, Mr. J., *Nottingham*
Factories, Com. 852

Ward, Lord
Greece, Affairs of, 1367

Water, Supply of, to the Metropolis,
c. 12, 15, 387

Weights and Measures Bill,
c. Rep.* 755

Wellington, Duke of
Universities Commission, Address moved, 1158

West India Appeals Bill,
c. 2R.* 166 ; Rep.* 237 ; 3R.* 311
l. Royal Assent, 491

Westmeath, Marquess of
Incumbered Estates (Ireland) Act Amendment, 2R. 932, 940
Parliamentary Voters (Ireland), 2R. 822, 823

Westminster, Marquess of
Birth of a Prince, Her Majesty's Answer to Address, 368

Westminster, Sewerage of,
c. Question (Mr. T. Greene), 1159

Westmoreland, Sheriff of, Appointment Bill,
l. 1R.* 491 ; 2R.* 1146 ; Rep.* 1199

Wharncliffe, Lord
Australian Colonies Government, Com. *cl.* 3, 1224

Wicklow, Earl of
Australian Colonies Government, 952
Incumbered Estates (Ireland) Act Amendment, 2R. 938
Judgments (Ireland), 2R. 8
Parliamentary Voters (Ireland), 2R. 820, 823

Williams, Mr. J., *Macclesfield*
Factories, Com. 837, 841

Williams, Mr. T. P., *Marlow, Great*
Metropolitan Waterworks, 2R. Amend. 15

Willoughby, Sir H. P., *Evesham*
Factories, Com. 1238
Stamp Duties (No. 2), Res. 157
Supply—New Houses of Parliament, 1006

Wilson, Mr. J., *Westbury*
Corn, Foreign, Comm. moved for, 58
Home Made Spirits in Bond, Comm. moved for, 1093
Railway Communication in India, 1109
Sugar Duties, 549, 570

Window Duties Repeal,
c. Leave, 311 ; Amend. (Chancellor of the Exchequer), 313, [A. 130, N. 65, M. 65] 315

Wodehouse, Lord
Australian Colonies Government, 2R. 519 ; Com. 1045

Wood, Rt. Hon. Sir C., *see* Chancellor of the Exchequer

Wood, Mr. W. P., *Oxford*
Chancery, Court of, 2R. 1138
Education, 2R. 762
Marriages, Com. *cl.* 2, 128 ; *cl.* 3, 1189
Registration of Deeds (Ireland), 3R. 364

Wood used in Shipbuilding,
c. Res. (Mr. Mitchell), 307 ; Amend. (Chancellor of the Exchequer), 309, [A. 50, N. 19, M. 31] 310

WORTLEY, Rt. Hon. J. S., *Buteshire*
  County Courts Extension, Com. *add. cl.* 1172
  Marriages, Com. *cl.* 2, 114, 116, 119, 129, 137, 142, 144, 145 ; *cl.* 3, 1186, 1187, 1188, 1189, 1190 ; *cl.* 6, 1196

WYLD, Mr. J., *Bodmin*
  Libraries, Public, and Museums, Com. *cl.* 1, 1177
  Metropolitan Interments, Com. Amend. Adj. 689, 690, 691 ; *cl.* 2, 705 ; *cl.* 20, 866 ; *cl.* 27, 905
  Metropolitan Waterworks, 2R. 19
  Wood used in Shipbuilding, 309

ERRATA.

Page 5, line 22 from bottom, *for* Committee to meet April 16, *read* Committee to meet May 16.

— 19, line 19 from bottom, *for* It was a contest between poor knights and ecclesiastics, *read* It was a contest between poor knights and rich ecclesiastics.

— 1079, line 19, and p. 1080, line 35, *for* Mr. Christie, *read* Mr. Christy.

— 1173, line 28, *for* Mr. Crowther, *read* Mr. Crowder.

G. Woodfall and Son, Printers, Angel Court, Skinner Street, London.

30 SEP 1963